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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**ASHLEY GJOVIK, *an individual*,**  
  
Plaintiff,

vs.

**APPLE INC, a corporation,**  
  
Defendant.

Case No. 3:23-CV-04597-EMC

**DECLARATION**  
**OF ASHLEY GJOVIK**

Civil L.R. 7-3, 7-5

**MOTION HEARING & CASE**  
**MANAGEMENT CONFERENCE:**

Dept: Courtroom 5 (Zoom)

Judge Edward M. Chen

Date: August 22, 2024

Time: 1:30 PM PT

## DECLARATION OF ASHLEY GJOVIK

Pursuant to 28 U.S.C. § 1746, I, Ashley M. Gjovik, hereby declare as follows:

My name is Ashley Marie Gjovik. I am a self-represented Plaintiff in this above captioned matter. I make this Declaration based upon my personal knowledge and in support of Plaintiff's Opposition (Docket No. 84 and 85) to Defendant's Motion to Dismiss (Docket No. 78) and Motion to Strike (Docket No. 79), and to swear to the accuracy of exhibits in the Request for Judicial Notice (Docket No. 86). I have personal knowledge of all facts stated in this Declaration, and if called to testify, I could and would testify competently thereto.

On July 30-31 2024, I created a table summarizing the claims challenged in each motion to dismiss, as referenced in the Opposition memo. Attached as [Exhibit A](#) is a true and correct copy.

On July 30-31 2024, I copied the table of contents from all my filed complaints and combined them into this document. Attached as [Exhibit B](#) is a true and correct copy.

On July 30-August 1 2024, I manually created a rough index from my complaints (original, first amended, second amended, third amended) and combined them into this document. Attached as [Exhibit C](#) is a true and correct copy. I believe this to be accurate.

On July 31-August 1 2024, I gathered copies of my emails with Apple's lawyers where I attempted to meet/confer with them. Attached as [Exhibit D](#) is a true and correct copy of these documents.

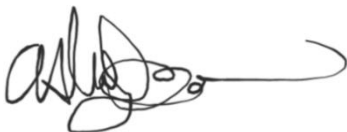
On July 31-August 1 2024, I gathered copies of my emails with Apple's lawyers where they complained about my NLRB charges about them, and the two associated NLRB charges. Attached as [Exhibit E](#) is a true and correct copy of these documents.

On July 31-August 1 2024, I gathered copies of Wikipedia and Twitter content where Apple (some agents thereof) were extensively harassing me about this lawsuit and trying to make me sound insane. Attached as [Exhibit F](#) is a true and correct copy of this content.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on August 1 2024 in Boston, Massachusetts.

Executed on: August 1 2024

Signature:

A handwritten signature in black ink, appearing to read 'Ashley M. Gjovik', with a long horizontal flourish extending to the right. Below the signature is a solid horizontal line.

**/s/ Ashley M. Gjovik**  
*Pro Se Plaintiff*

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**EXHIBIT A: CLAIM & 12(B)(6) HISTORY***Gjovik v Apple, Claim History per Complaint Version and 12(b)(6) Motion*

	<b>First MTD (11/16)</b>	<b>Second MTD (1/18)</b>	<b>Third MTD (3/26/24)</b>	<b>Decision &amp; Order (5/20/24)</b>	<b>4AC ( )</b>	<b>Fourth MTD (7/15/24)</b>
<b>RICO - Money Laundering</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with Prejudice		
<b>RICO - Enterprise</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with LTA	Did Not Amend	
<b>RICO - Conspiracy</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with LTA	Did Not Amend	
<b>Bane Act</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with LTA	Did Not Amend	
<b>Ralph Act</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with LTA	Did Not Amend	
<b>SOX &amp; Dodd Frank (Securities Fraud)</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with Prejudice		
<b>Ultrahazardo us (CERCLA)</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed - SOL Expired		
<b>Ultrahazardo us (Fab)</b>	12(b)(6)	12(b)(6)	12(b)(6)	Approved	Retained	12(b)(6)
<b>Nuisance (Fab)</b>	12(b)(6)	12(b)(6)	—	Approved	Retained	12(b)(6)
<b>Nuisance per se (Fab)</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed with LTA	Did Not Amend	
<b>Nuisance (CERCLA)</b>	12(b)(6)	12(b)(6)	12(b)(6)	Dismissed - SOL Expired		
<b>CLC 1102.5</b>	12(b)(6)	—	12(b)(6)	Approved to Supplement	Amended / Supplement ed	Partial 12(b)(6): Smuggling; Sanctions; Env Crimes; Gobbler
<b>Smuggling</b>	—	—	—	—	Retained	12(b)(6)
<b>Sanctions</b>	—	—	—	—	Retained	12(b)(6)
<b>Palestine</b>	N/A	N/A	N/A	N/A	Added	12(b)(6)
<b>CLC 98.6</b>	—	—	—	—	Retained	12(b)(6); 12(f)

	<b>First MTD (11/16)</b>	<b>Second MTD (1/18)</b>	<b>Third MTD (3/26/24)</b>	<b>Decision &amp; Order (5/20/24)</b>	<b>4AC ( )</b>	<b>Fourth MTD (7/15/24)</b>
CLC 96k	12(b)(6)	12(b)(6)	12(b)(6)	Approved to Supplement	Amended / Supplement ed	12(b)(6)
CLC 232	—	—	—	—	Retained	12(b)(6)
CLC 232.5	—	—	—	—	Retained	12(b)(6)
CLC 1101	—	—	—	—	Retained	12(b)(6)
CLC 1102	—	—	—	—	Retained	12(b)(6)
<i>Tamney</i>	—	—	—	—	Retained	—
CLC 6310	—	—	—	—	Retained	Partial 12(b)(6)
CLC 6399.7	—	—	—	—	Retained	12(b)(6)
IIED - Outrageous	—	—	12(b)(6)	Dismissed with LTA	Amended / Supplement ed	12(b)(6)
IIED - Cancer	—	—	12(b)(6)	Approved	Retained	12(b)(6)
NIED	—	—	12(b)(6)	Dismissed with LTA	Did Not Amend	
Breach of Implied Contract	—	—	12(b)(6)	Dismissed with LTA	Did Not Amend	<i>Accuses Plaintiff of Misconduct</i>
Breach of Good Faith & Fair Dealing	—	—	12(b)(6)	Approved	Retained	12(b)(6)
UCL 17200 - Injunction	—	—	12(b)(6)	Injunction Approved	Amended / Supplement ed	12(b)(6)

*This table was created by hand by Plaintiff Ashley Gjovik as a reference as to which claims were argued or challenged and when.*

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## Third Amended Complaint: Filed February 27, 2024.

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## EXHIBIT D: ATTEMPT TO MEET/CONFER (EMAILS)

7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

### RE: Meet and confer re motion to dismiss/strike regarding fourth amended complaint

From legal@ashleymgjovik.com <legal@ashleymgjovik.com>  
To Riechert, Melinda <mrieichert@orrick.com>  
CC Mantoan, Kathryn G. <kmantoan@orrick.com>, Juvinall, Kate <kjuvinall@orrick.com>, Perry, Jessica R. <jperry@orrick.com>, Booms, Ryan <rbooms@orrick.com>, Romero, Josette L. <jromero@orrick.com>  
Date Tuesday, July 16th, 2024 at 12:44 AM

Hello,

To be clear, I was only willing to withdraw sub-claims if it meant we could avoid a Motion to Dismiss being filed. The point of me offering that compromise was specifically to avoid a Motion to Dismiss, and instead, to encourage Apple to file an Answer today. Any claim I pled in the 4AC was pled because I felt it was a viable claim and wanted to pursue the claim. I do not want Apple trying to spin my willingness to negotiate with Apple as some sort of inference about how I feel about the merits of my own claims.

I see you've filed a Motion to Dismiss and a Motion to Strike, so my offer to potentially compromise is now mooted and void. I have no interest in voluntarily withdrawing my own claims now, as that does not benefit me in any way, and would only benefit Apple.

If for some reason I decide to withdraw a sub-claim after researching the arguments and drafting the opposition, then I will include a section in my opposition filing about dropping / withdrawing that sub-claim. However, I do not expect to withdraw any claims/sub-claims.

Further, as mentioned prior, if there is any opportunity for me to re-plead my RICO, Bane, and Ralph claims -- I will absolutely do so, as I only dropped those claims because it was suggested if I dropped those claims that Apple may file an Answer instead of a Motion to Dismiss.

See you tomorrow.

-Ashley

—

Ashley M. Gjovik  
BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Tuesday, July 16th, 2024 at 12:26 AM, Riechert, Melinda <mrieichert@orrick.com> wrote:


7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

Once you've reviewed our motion to dismiss, please let us know which if any claims you are willing to drop voluntarily.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley 

T 650/614-7423  
M 6507591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)



---

**From:** Ashley M. Gjovik (Legal Matters) <legal@ashleygjovik.com>  
**Sent:** Thursday, July 11, 2024 12:15 PM  
**To:** Riechert, Melinda <mrieichert@orrick.com>  
**Cc:** Mantoan, Kathryn G. <kmantoan@orrick.com>; Juvinall, Kate <kjuvinall@orrick.com>; Perry, Jessica R. <jperry@orrick.com>; Booms, Ryan <rbooms@orrick.com>; Romero, Josette L. <jromero@orrick.com>  
**Subject:** RE: Meet and confer re motion to dismiss/strike regarding fourth amended complaint

[EXTERNAL]

Hello,

I'm still unclear as to what Apple's specific negotiating posture is here.

7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

Is Apple saying that if I withdraw all three toxic torts, and nothing else, then they won't file another MTD/MTS?

—

Ashley M. Gjovik

BS, JD, PMP


Sent with [Proton Mail](#) secure email.

On Thursday, July 11th, 2024 at 3:12 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:

Since you have said you will not surrender your “3250 Scott toxic tort claims (nuisance, ultrahazardous, and IIED)” I don’t see a way to avoid our filing our motion to dismiss. Let me know if you change your mind on this issue.

**Melinda Riechert**

Partner

[Orrick](#)  
Silicon Valley 

T 650/614-7423  
M 6507591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)



7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

---

**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleymgjovik.com](mailto:legal@ashleymgjovik.com)>  
**Sent:** Thursday, July 11, 2024 12:01 PM  
**To:** Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>  
**Cc:** Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>  
**Subject:** RE: Meet and confer re motion to dismiss/strike regarding fourth amended complaint

[EXTERNAL]

Hello,

Just to confirm what your request is - are you saying that the only way you would not file a motion to dismiss all of these claims next week, is if I would voluntarily agree to withdraw ALL of the claims you listed below?

—

Ashley M. Gjovik

BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Thursday, July 11th, 2024 at 1:47 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:

Ashley,

We intend to move on all claims identified in our July 10 e-mail under FRCP 12(b)(6). We believe such a motion is permitted under FRCP 12(h)(2) and applicable legal authority. *See e.g., In re Apple iPhone Antitrust Litig.*, 846 F.3d 313, 319 (9th Cir. 2017). We disagree that we have in any way waived our ability to move to dismiss these claims. That will be for Judge Chen to decide.

7/23/24, 4:18 PM


Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

We also disagree with your reading of Judge Chen's prior order to the extent you suggest we cannot move, or that there is no basis to move, to dismiss on the grounds we've identified. That, too, will be for Judge Chen to decide.

Given that your email states that you will not "surrender" at least some of the claims we will be moving to dismiss, we will plan to file our motion by the deadline.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley 

T 650/614-7423  
M 650/7591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)



---

**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleymgjovik.com](mailto:legal@ashleymgjovik.com)>

**Sent:** Wednesday, July 10, 2024 5:41 PM

**To:** Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>

**Cc:** Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>

**Subject:** Re: Meet and confer re motion to dismiss/strike regarding fourth amended complaint

[EXTERNAL]



7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

Hello,

Thank you for finally sharing this information.

May I ask what your legal theory is as to how you can avoid the 12(g)(2)/12(h)(1) prohibition on filing further 12(b)(6) motions? The majority of this sounds like exactly the kind of re-claims that the Rule is supposed to prevent.

My rewording and reorganizing of sections did not change the substance of claims. My calling out sub-claims with headers does not make them "new" if they were in the prior complaint(s). Further, Apple filed a motion to strike and discussion in those briefings and with the decision indicated Apple WANTED me to rewrite almost all of my sections, even if they were not dismissed. If Apple was trying to provoke me to rewrite all of my sections so it could try to file a subsequent motion like this, then that seems like a textbook improper purpose.

In addition, some of these claims were expressly approved to move forward with an approval of the legal theory Apple is now rechallenging.

**Apple Should Have Filed a Motion for Reconsideration (I will not surrender any of these):**

Judge Chen clearly acknowledged my adequate pleading of the discovery rule for SOL for 3250 Scott toxic tort claims (nuisance, ultrahazardous, IIED-cancer), and Apple never filed a motion to reconsider. The question of what is ultrahazardous is a question of law for a Judge and the Judge already found there was an adequate claim for ultrahazardous activities, and Apple did not request reconsideration of his decision. Similarly the Judge found the IIED/cancer claim to be adequately pled. If Apple thought these decisions of law were wrong, why did Apple not file a motion for reconsideration? Further, I had to rewrite these sections to remove 825 Stewart, as Apple demanded in the prior Motion to Strike.

The HSITA claim has been in the complaint this entire lawsuit. It is pursued under 6310, which Apple did not challenge - and its been mentioned as a sub-claim in every complaint I filed, though not with a bold header - but bold headers do not have legal impact as you're suggesting.

The 96k claims is pursued under 98.6. This is clear in the cases Apple cited, my complaints, and the decision. If Apple is claiming 96k should not legally be allowed to be pursued under 98.6, again Apple should have filed a motion for reconsideration.

7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

The breach of good faith/fair dealing claim was approved by the judge to proceed and Apple did not file a motion for reconsideration. I did drop my claim for breach of implied contract, so there are less theories now, not more. I also had to rewrite that section per Apple's demands in its Motion to Strike. What is the new theory Apple is complaining of?

**This has already been shown to be able to be sufficiently pled:**

I acknowledged this claim was given leave to amend, and thus this is a claim Apple actually does have a procedural basis to file another MTD. However, for IIED Outrageous, Apple did not challenge that claim when I had enough pages in my SAC to adequately detail it. What is Apple's position that with limited page limit I supposedly did not adequately plead it, but that if I was given more pages, then I would be able to plead it (as Apple already confirmed)? The point is if I could ever adequately plead it -- which I did in the SAC, and Apple's prior waiver confirmed it.

**Disagree but Willing to Barter:**

I believe I have strong arguments for why my 232 (pay) and 1101/1102 (politics) claims should be allowed to proceed, and that they are not "new," however, if we can reach compromise on the above items, I might be willing to surrender these claims solely for the sake of avoiding another motion to dismiss, and even though I think they are valid claims and I want to pursue them.

The UCL claim was already approved to move forward with injunctive relief, finding I had UCL & AIII standing, and I sent you cases showing that an injunctive claim is independent standing. I was given leave to amend for monetary standing, so I do not understand what that argument is about a "new theory." However, for the UCL claim, I may be willing to drop the restitution sub-claim if Apple does not re-challenge the injunctive sub-claim.

For 98.6 & 1102.5, my request for damages always wrote request for the civil penalty as optional and to be withdrawn if it conflicts with any other claims. Please share why you think statute of limitations has expired for the penalty, and if I agree, I may be willing to wave the request for civil penalties.

For 1102.5 and smuggling, that was in the prior complaints and was incorporated in the claim prior. I didn't repeat it in each section per the judge's guidance to reduce repetition. As for statutes, I literally wrote emails to the Apple team citing specific statutes and treaties. However, like the 232 and 1101/1102 claims, if this claim really bothers Apple, and if me surrendering it would prevent Apple from filing another MTD, I may be willing to drop it.

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**Unclear on the arguments mage:**

Is the argument about 1102.5 & statutory frameworks about the smuggling or about other claims too?  
Which claims?

I think that was all of the points made - let me know if I missed anything.

—

Ashley M. Gjovik

BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Wednesday, July 10th, 2024 at 6:02 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:

Ashley

As we discussed, we have now had an opportunity to review your fourth amended complaint in order to determine if there is a basis to move to dismiss or strike some of the claims or allegations in it. We believe that there are still deficiencies in the fourth amended complaint. Here is a list of the bases for the motion that we are considering at this time:

- The Ninth Claim under the California Unfair Competition Law ("UCL") should be dismissed because Plaintiff was not granted leave to amend to craft an entirely new theory of statutory standing, as she has attempted to do, and she nonetheless fails to establish any basis for statutory standing, which is dispositive of this claim whether styled as seeking injunctive or restitutionary relief. Moreover, Plaintiff would not be entitled to restitution because she alleges that she lost money to a third party but does not allege that Apple benefited, and would not be entitled to an injunction because she lacks Article III standing. Additionally, this claim is time barred.

7/23/24, 4:18 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

- The Tenth Claim for intentional infliction of emotional distress should be dismissed because much of the alleged conduct is not outrageous as a matter of law and the remaining alleged conduct does not meet the Rule 8 pleading standard or was deemed inadequate in the May 20 Order.
- The Eleventh Claim for private nuisance based on the alleged activities of Apple's facility at 3250 Scott Boulevard should be dismissed because it is time barred.
- The Twelfth Claim for ultrahazardous activities, also based on the alleged activities of Apple's facility at 3250 Scott Boulevard, should be dismissed both because it is time barred and because Plaintiff does not allege any ultrahazardous activities as a matter of law.
- The Thirteenth Claim for intentional infliction of emotional distress premised on a fear of cancer is time barred, and in any event, Plaintiff does not allege the intent element.

In addition, Apple is considering moving to dismiss the following retaliation-based claims:

- The Second Claim under Labor Code section 1102.5 should be dismissed in part to the extent it is based on alleged complaints about smuggling or sanctions violations because Plaintiff was not granted leave to introduce this new theory and, regardless, she does not identify any predicate statute she contends was violated, as is legally required to state a claim. The Second Claim should also be dismissed in part to the extent that Plaintiff continues to allege that she complained about violations of entire statutory frameworks as opposed to specific statutes. Moreover, the Second Claim should be dismissed in part, to the extent it seeks civil penalties and is therefore time barred.
- The Fourth Claim under the Hazardous Substances Information and Training Act ("HSITA") should be dismissed because Plaintiff was not granted leave to add this claim and, in any event, her alleged complaints did not concern "hazardous substances" within the meaning of HSITA.
- The Fifth Claim under Labor Code section 98.6 should be dismissed in part to the extent it seeks civil penalties and is therefore time barred.

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Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail


- The Sixth Claim should be dismissed in part to the extent it asserts violations of Labor Code sections 232.5, 1110, and 1102 predicated on concerns allegedly raised about Palestinian and Muslim rights and an alleged article about working conditions for Uyghurs because not only was Plaintiff not granted leave to add this claim, but she also fails to allege a disclosure under Section 232.5, she fails to allege a "rule, regulation, or policy" under Section 1101, and she fails to allege that Apple threatened to discharge her if she did not adopt a particular course of political activity, as is required under Section 1102. Additionally, the Sixth Claim should be dismissed in part to the extent it asserts violations of Sections 232 and 232.5 predicated on Plaintiff's alleged disclosure of her wages because Plaintiff does not plausibly allege that Apple knew about her alleged disclosure.
- The Seventh Claim under Labor Code section 96(k) fails because there is no private right of action under that statute.
- The Eighth Claim for breach of implied covenant should be dismissed to the extent that it relies on newly alleged theories Plaintiff did not have leave to introduce. Further, this claim should be dismissed because Plaintiff fails to identify any underlying contract or term that would support any implied covenant that Apple allegedly breached by terminating Plaintiff. Additionally, to the extent this claim is based on an oral contract or an implied contract, it is time barred.

Let us know if you are willing to dismiss any of these claims and allegations, and thereby obviate the needs to bring a motion with respect to those claims or allegations.

Like you, we want to move this case forward, and we believe that dismissing these claims will enable us to do so.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley 

T 650/614-7423  
M 6507591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)

7/10/24, 4:35 AM

Sent | ashleymgjavik@protonmail.com | Proton Mail

**Re: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer**

From legal@ashleymgjavik.com &lt;legal@ashleymgjavik.com&gt;

To Riechert, Melinda &lt;mrieichert@orrick.com&gt;

CC Booms, Ryan &lt;rbooms@orrick.com&gt;, Juvinall, Kate &lt;kjuvinall@orrick.com&gt;, Mantoan, Kathryn G. &lt;kmantoan@orrick.com&gt;, Perry, Jessica R. &lt;jperry@orrick.com&gt;, Romero, Josette L. &lt;jromero@orrick.com&gt;

Date Monday, July 8th, 2024 at 10:20 AM

I'd prefer to submit a joint a statement. I don't think we have a reasonable explanation as to why we would be submitting separate statements.

If Apple submits separately they still need to reduce their content by just as much as if we submit jointly.

—  
Ashley M. Gjovik  
BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Monday, July 8th, 2024 at 10:12 AM, Riechert, Melinda <mrieichert@orrick.com> wrote:

Ashley

Let's just plan on submitting separate statements.

Sent from my iPad

On Jul 8, 2024, at 5:31 AM, Ashley M. Gjovik (Legal Matters) <legal@ashleymgjavik.com> wrote:

[EXTERNAL]

Hello,

I'm still working on this for start of biz PST, but if Ryan is working already - please note that after I fixed the formatting (it was not double space and the margins did not = 1 inch, and there were a few section that it needs to be broken out into P/D as I don't agree with the statement written) - then the version without my additions is already 8.5 pages total.

After I removed the placeholder spacing for mine, its down to 7.5 pages.

I pulled out just Apple's text and you have 5.5 pages of just Apple's content.

Then the headers are 3 pages.

The placeholders for my sections (without anything written) was about 1 page.

If headers are 3 pages out of 10 pages total, then we should evenly split the 7 pages. (3.5 each)

[https://mail.proton.me/u/0/sent/xkbedZAQk-mFCOQlwyw1gzOsM\\_9FWcsLU\\_uwgUSwtlx\\_OoNLSH34hRmuQtC9n5mjbZUIVMdUVv2tMSKCEXbxw...](https://mail.proton.me/u/0/sent/xkbedZAQk-mFCOQlwyw1gzOsM_9FWcsLU_uwgUSwtlx_OoNLSH34hRmuQtC9n5mjbZUIVMdUVv2tMSKCEXbxw...) 1/27

7/10/24, 4:35 AM

Sent | ashleymgjavik@protonmail.com | Proton Mail

I'd ask Apple to cut their content down by 2 pages so I can have 3.5 pages (and Apple gets 3.5 pages), instead of me only getting 1.5 pages (and Apple getting 5.5 pages).

—  
Ashley M. Gjovik  
BS, JD, PMP



On Sunday, July 7th, 2024 at 7:49 PM, Ashley M. Gjovik (Legal Matters) <legal@ashleygjovik.com> wrote:

Hello Apple's lawyers,

I agree to hold the 2nd part of our meet/confer over email. I am declining the meeting invite. I would have preferred to have a conversation, like I tried to do last time -- but I will not engage with Apple in real-time under the circumstances that Apple is requiring. My position on this is based all the reasons I mentioned last week, and prior (including the 12/2023 NLRB charge about Orrick's abusive conduct and illegal coercion under the guise of discovery, and also back to my requests to Apple in August 2021+), and now also Apple's insistence that there be no witnesses or record of my interactions with Apple, immediately following my complaints of even more misconduct by Apple.

I still plan to send my draft of the joint statement before start of biz Monday, which you said was okay last week. However, whatever Apple has planned in their MTD is likely to disrupt any plans I'd try to make in my statement (if I don't know what Apple's plans are until after I have to draft my statement without that information). I may need to revise my sections again depending on what Apple's plans are for their MTD. The sooner you can share that information, the better, please. The soonest Apple has offered to provide me any information about what will be in the MTD is 1 day before the joint statement is due - which puts me in a difficult spot. This is also why I was surprised that your email last week seemed to suggest I missed some deadline, when there was no deadline for me, and I'm still waiting on critical information from Apple, which Apple still has not shared. I am also now distressed that Apple is holding back very critical information while concurrently threatening to file their own statement end of day Monday, if I do not complete my sections, without the critical information Apple is not providing me -- assumably claiming something like that I was just late and uncooperative so Apple gave up and submitted their own. I need this information. As AppleCare would say, "*carpe facto!*"

When we talked prior, you were not willing/ready to provide me insights as to what will be in the motion (which was strange that Apple knew it would file a MTD but did not know what would be in - which seems like Apple just wants to file a 2nd MTD for the sake of filing a 2nd MTD). I was not expecting Apple to file another motion to dismiss as I had dropped my RICO, Bane, and Ralph claims -- following the Judge's comment that if I did not amend those claims then the lawsuit should be able to move along instead of having to deal with a 2nd motion to dismiss. I prioritized moving the process along and starting discovery, instead of requiring even more time and effort be spent debating over those four claims. I was trying to be efficient and cooperative. If I knew Apple planned to file a 2nd MTD regardless, then I would have amended my 4AC to include all four claims (1962c, 1962d, Bane, Ralph). I am very distressed about this outcome, and if there's any opportunity to allow me to amend and still include those four claims, I will do so.

In addition to Apple needing to share their plans for this 2nd motion, we also still need to identify our top issues and craft a plan to resolve them and to list known disputed points of law (which Apple should be able to cooperate with if its planning on filing another 12b6). When we talked last, it did not seem like Apple wanted to discuss those points, but I'm hoping Apple might change its mind and be willing to cooperate in drafting responses to those topics.

I am also blocked on completing my final ADR section until Apple's counsel provides an answer to the question I've been asking since fall of 2023 - if the settlement conference would be for a global settlement, or if it would only discuss



7/10/24, 4:35 AM

Sent | ashleymgiovik@protonmail.com | Proton Mail

some cases but not others (no NLRB, etc.) As mentioned, if Apple does not want to discuss a global settlement, then its clear to me that Apple has no actual plans to settle and would just be participating in the conference in bad faith. Thus, if Apple does not want to participate in good faith in a conference to discuss a global settlement, then I want to do ENE instead of a settlement conference. This is yet another thing I cannot complete in my joint statement section until I get an answer from Apple -- and I've been waiting for an answer to this question for eight months. If I can't get an answer by 7/9, I will need to call this issue out in my section.

As for my other items in the to do list from 6/25 -- for the request for me to identify which documents I would like in discovery, I think it would be best if Apple just wait for my actual requests for production as civil discovery has not actually started yet. As I mentioned, Apple can reference the DOL request for production for guidance -- but Apple has refused to respond to 99% of those requests, so I do not know how much help any informal guidance can be on this with Apple's current position. For the protective orders, it did not seem like my proposal had a deadline so I wasn't planning on having a formal response by Monday -- but I am still certain that I do not want any blanket protective orders, and that I will request any protective orders be issues/topic specific, and that Apple justifies why a protective order is actually needed. I've also repeatedly volunteered multiple ways I could go out of my way to help Apple feel comfortable with my access to certain information -- but Apple never responded to any of those offers. Based on Apple's US DOL filing on Friday (somehow blaming me for Apple's violations of federal labor law - and claiming highly protected topics are "Apple Confidential" and require an order with punishment of contempt of court if I was to dare to talk to people about Apple's EHS practices at a toxic waste dump), its clear that this topic will be one of the biggest issues we will need to work through for this case as well.

Finally, please also share what Apple's plans are for initial disclosures. Last fall, when Apple tried to initiate the false discovery procedure, one of the justifications provided when I protested the misconduct was that Apple was refusing to recognize any of my claims that they will file a MTD over, and are essentially pretending those claims do not exist. Apple is now doing the same thing with its refusal to cooperate in DOL discovery (which is real discovery now and Apple should be participating). Either way, 'pretending that claims you don't like don't exist' is not how discovery works. But if Apple is planning on doing something like that again with the 2nd MTD and/or later MSJ (and for which I urge Apple not to take the position again), I'd like to know before I submit my own disclosures.

-Ashley

#### 6/25 Meeting Notes

Attendees: Ashley, Melinda, Kathryn

Deadlines: Joint CMS due July 9 2024; Initial Disclosures due July 9 2024; CMC to be held on July 16 2024

#### Action Items/Next Steps:

- Ashley & Apple's counsel to meet again prior to filing the joint CM statement to further discuss issues, narrowing of issues, scope of initial disclosures, and any planned responsive motion to the 4AC
  - Will need to "jointly identify 1-3 issues which are the most consequential to the case and discuss how resolution of these issues may be expedited" for the CMS
  - If possible, joint statement on disputed points of law that are identified at this time
  - Discuss ways to narrow issues, and if ways to reduce or avoid the need for another responsive motions

7/10/24, 4:35 AM

Sent | ashleymgjavik@protonmail.com | Proton Mail

- Initial Disclosures due from both parties within 14 days of the 26(f) conference, so July 9 2024
- Need to find agreement on a plan for discovery protective orders. Ashley to revise and redline the CAND version with her suggestions, and will discuss/iterate.
- Ashley drafting her portion of the Joint CMS
- Apple's counsel asked Ashley to send a summary of what documents Ashley thinks have not been provided to her related to her civil employment claims. Ashley to send summary of types of issues, sources of records, etc. Apple's counsel to also reference Ashley's US DOL request for production information.
- Apple's counsel following up on Ashley's questions about the scope and logistics of the proposed ADR Settlement Conference

Possible opportunities for a joint statement on behalf of both parties (based on discussion)

- Agreed that jurisdiction and service requirements are met
- Agreed to suggest the case schedule should designate time for potential MSJ and evidence related motions, in case they need to be filed by either party
- Plan for ADR

Other Discussion:

- Discussed each point in the CM Statement Standing Order
- Agreed Ashley's 'relief sought' summaries in the CMS and the initial disclosures does not need to include an estimated amount for punitive damages, emotional distress, or other non-pecuniary topics - will be determined later
- Apple's counsel will let Ashley know if they would like her to use a specific tool (without cost to her) for her provision of discovery documents
- Agreed Ashley does not need to list who she thinks Apple's interested parties are on behalf of Apple
- Will still need to talk about discovery planning more later

—  
Ashley M. Gjøvik  
BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Sunday, July 7th, 2024 at 5:15 PM, Riechert, Melinda <mriechert@orrick.com> wrote:

Ashley:

We disagree with your characterization of our opposition to your motion to compel in the OALJ matter, as well as your characterization of our conduct during and after our June 25 meet and confer call in the separate N.D. Cal.

7/10/24, 4:35 AM

Sent | ashleymgjavik@protonmail.com | Proton Mail

matter.

We remain willing to meet and confer with you in real-time on Monday, July 8 as scheduled regarding issues in the N.D. Cal. matter, but do not agree to your recording that conversation nor to your inviting an individual unaffiliated with the case to attend.

Please let us know if you would like to keep the call as scheduled –without any witness/recording/transcription, or if you would prefer the parties complete the meet and confer regarding Apple’s motion to dismiss in the N.D. Cal. matter via email.

As for the case management statements due on Tuesday, July 9 in the N.D. Cal. matter, we will plan to submit our own statement of no more than seven pages (per paragraph 6 of Judge Chen’s [Civil Standing Order](#)) unless we receive a completed joint statement from you by end of day Monday.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley [<image001.jpg>](#)

T 650/614-7423  
M 650/7591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)

[<image002.png>](#)

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**From:** Ashley M. Gjavik (Legal Matters) <legal@ashleymgjavik.com>

**Sent:** Friday, July 5, 2024 8:54 AM

**To:** Riechert, Melinda <mrieichert@orrick.com>

**Cc:** Booms, Ryan <rbooms@orrick.com>; Juvinall, Kate <kjuvinall@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Perry, Jessica R. <jperry@orrick.com>; Romero, Josette L. <jromero@orrick.com>

**Subject:** RE: Gjavik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello,

The Opposition Apple filed today in the Dept. of Labor OALJ case contains numerous statements that are demonstrably false, make baseless allegations against me, and grossly misrepresent our prior communications.

This is not the first time Apple's filings have done this -- however now this Opposition also outright accuses me of refusing to meet/confer and accuses me of acting in bad faith -- when it has been Apple who has repeatedly refused to meet/confer, acted in bad faith, stonewalled me, and ignored my offers of ways to facilitate the discovery process to make it easier for Apple. I documented all of this. Further, as you know, I have charged that Apple's prior actions in December 2023 on the civil lawsuit related to discovery constituted a violation of federal law laws (with a pending NLRB claim over the matter). This included Apple's attempt to coerce me to sign a protective order that would make my basic work conditions "confidential" -- which is illegal -- and Apple did so under the predatory guise that I missed a discovery deadline that does not even apply to the lawsuit.

I have repeatedly tried to work with Apple about how to facilitate discovery in a way that would be easiest for Apple. I offered this multiple times during our call last week. We also discussed the protective orders and I made clear that protective orders do not apply to public safety issues or labor disputes, but that I understand Apple will want them for actually confidential information (like trade secrets) and I was willing to agree to proportional orders for those matters. This was also in my emails prior. We discussed this at length last week, it was captured in the meeting notes, and Apple seemed satisfied with the discussion -- so I am surprised to read the Opposition today instead accusing me of acting in bad faith and stonewalling.

Now it also does not seem like a coincidence that on Wednesday Apple's counsel (below) implied I missed a deadline (I was never even assigned), and claimed to be waiting on something (they had not asked for) -- while concurrently still not responding directly to any of my open questions or concerns.

Due to all of this, I have no reason to think Apple will not continue to misrepresent our communications and make meritless accusations against me, thus I am going to require that our meeting on Monday either:

- Have a court reporter / be transcribed,
- Apple consents for me to record it and transcribe it, and/or
- Apple consents to me bringing a lawyer witness who can write a declaration of what they heard discussed, if needed. (--> I need advanced notice for this)

After the one meeting where I agreed to have a conversation with counsel without a court reporter or a witness -- Apple has now misrepresented the subject matter, tone, and posture of those conversations. Thus, having "off the record" conversations between Apple's counsel and myself was a failed experiment.

7/10/24, 4:35 AM

Sent | ashleymgjovik@protonmail.com | Proton Mail

I am not afraid to have our communications recorded/transcribed because I stand by what I say, what I say is consistent, and I have never intentionally acted in bad faith. If Apple believes it is also doing the same -- there should be no concern about having a recording/record of our conversation on Monday -- in fact, one would think that Apple would also want a record themselves.

-Ashley

—

Ashley M. Gjøvik

BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Wednesday, July 3rd, 2024 at 2:41 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:

3 pm Eastern, noon Pacific. Talk to you then.

**Melinda Riechert**

Partner

[Orrick](#)  
Silicon Valley <[image001.jpg](#)>

T 650/614-7423  
M 6507591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)

<[image002.png](#)>

On Wednesday, July 3rd, 2024 at 2:41 PM, Riechert, Melinda <mrieichert@orrick.com> wrote:

3 pm Eastern, noon Pacific. Talk to you then.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley

T 650/614-7423  
M 650/7591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)



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**From:** Ashley M. Gjovik (Legal Matters) <legal@ashleygjovik.com>  
**Sent:** Wednesday, July 3, 2024 11:38 AM  
**To:** Riechert, Melinda <mrieichert@orrick.com>  
**Cc:** Booms, Ryan <rbooms@orrick.com>; Juvinall, Kate <kjuvinall@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Perry, Jessica R. <jperry@orrick.com>; Romero, Josette L. <jromero@orrick.com>  
**Subject:** RE: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello,

Sounds great! Understood on the space limit - but as you may have noticed by now, I'm a bit of a perfectionist.

[https://mail.proton.me/u/0/Hs9bPzUW2XxHh3LsbsKy7efAgIY-YceqpOKCdLSEwl\\_rVUYeAPappPNRkRZUvfyeCcdVomluuRDSybO-zZJ1IA==/xkbedZ...](https://mail.proton.me/u/0/Hs9bPzUW2XxHh3LsbsKy7efAgIY-YceqpOKCdLSEwl_rVUYeAPappPNRkRZUvfyeCcdVomluuRDSybO-zZJ1IA==/xkbedZ...) 2/20

7/10/24, 4:46 AM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

Thanks for sending the invite! Was it supposed to be 3pm PST (6pm EST) or 3pm EST? (12pm PST) I received the invite for 3pm EST, but your response below says PST. I can do either though.

Thanks,

-Ashley

—

Ashley M. Gjovik

BS, JD, PMP


On Wednesday, July 3rd, 2024 at 2:27 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:

It is fine to work on your sections this weekend and send them to us on Sunday. As you noted, we are only allowed 10 pages, so there is not a lot of space to add information.

I will send a Teams invite for 3 pm pacific on Monday.

**Melinda Riechert**

Partner

[Orrick](#)  
Silicon Valley 

T 650/614-7423  
M 6507591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)



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**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)>  
**Sent:** Wednesday, July 3, 2024 11:23 AM  
**To:** Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>  
**Cc:** Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>  
**Subject:** RE: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello!

It sounded like Apple was done with their individual entries in the Joint CMC, and that we wouldn't know more about the details of the pending sections until we were able to meet again (after Apple was ready - and I was waiting to hear back from Apple, as reflected in the notes I sent last week, copied below).

I was planning on completing my sections this weekend and send it over end of day Sunday - since I still have research I need to do, and because we still have six days until the deadline. It is due 7/9, correct?

If there is some reason Apple would need multiple days to review my entries, I was not planning for that as I was not expecting that and it was never requested prior. Please explain if so.

Thank you for confirming you're ready for our 2nd meet/confer. I can attend a meeting anytime between 3-6pm on Monday 7/8.

I am also still hoping I can talk you out of filing another motion to dismiss, as I don't think there is ground to file one, and so we can avoid further delays in this proceeding. Please also note that if Apple tries to challenge any of the toxic torts claims, I will be filing a Request for Judicial Notice of the 4/30/2024 EPA RCRA Enforcement Inspection report, along with my opposition.

Thanks,

-Ashley

On Wednesday, July 3rd, 2024 at 2:06 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:


Ashley

We are waiting for your additions to the Joint CMC statement attached. If we don't get a joint statement completed, we will just plan on each filing separate ones.

We would also like to have another call on Monday to go over any remaining issues with the joint CMC statement and also to meet and confer regarding our motion to dismiss. We are available 3-6 pm Eastern. Let us know what time works for you.

**Melinda Riechert**

Partner

[Orrick](#)  
Silicon Valley 

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M 650/759-1929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)



On Tuesday, June 25th, 2024 at 6:08 PM, Ashley M. Gjovik (Legal Matters) <[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)> wrote:

Hello!

Thanks for meeting today and for the discussion. I captured some meeting notes below - let me know if I misstated anything, or if anything you'd add.

#### **6/25 Meeting Notes**

Attendees: Ashley, Melinda, Kathryn

Deadlines: Joint CMS due July 9 2024; Initial Disclosures due July 9 2024; CMC to be held on July 16 2024

#### Action Items/Next Steps:

- Ashley & Apple's counsel to meet again prior to filing the joint CM statement to further discuss issues, narrowing of issues, scope of initial disclosures, and any planned responsive motion to the 4AC
  - Will need to "jointly identify 1-3 issues which are the most consequential to the case and discuss how resolution of these issues may be expedited" for the CMS
  - If possible, joint statement on disputed points of law that are identified at this time
  - Discuss ways to narrow issues, and if ways to reduce or avoid the need for another responsive motions
- Initial Disclosures due from both parties within 14 days of the 26(f) conference, so July 9 2024
- Need to find agreement on a plan for discovery protective orders. Ashley to revise and redline the CAND version with her suggestions, and will discuss/iterate.
- Ashley drafting her portion of the Joint CMS
- Apple's counsel asked Ashley to send a summary of what documents Ashley thinks have not been provided to her related to her civil employment claims. Ashley to send summary of types of issues, sources of records, etc. Apple's counsel to also reference Ashley's US DOL request for production information.
- Apple's counsel following up on Ashley's questions about the scope and logistics of the proposed ADR Settlement Conference

#### Possible opportunities for a joint statement on behalf of both parties (based on discussion)

- Agreed that jurisdiction and service requirements are met
- Agreed to suggest the case schedule should designate time for potential MSJ and evidence related motions, in case they need to be filed by either party

7/10/24, 4:46 AM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

- Plan for ADR

Other Discussion:

- Discussed each point in the CM Statement Standing Order
  - Agreed Ashley's 'relief sought' summaries in the CMS and the initial disclosures does not need to include an estimated amount for punitive damages, emotional distress, or other non-pecuniary topics - will be determined later
  - Apple's counsel will let Ashley know if they would like her to use a specific tool (without cost to her) for her provision of discovery documents
  - Agreed Ashley does not need to list who she thinks Apple's interested parties are on behalf of Apple
  - Will still need to talk about discovery planning more later

-Ashley

—

Ashley M. Gjovik

BS, JD, PMP

---

**From:** Riechert, Melinda

**Sent:** Monday, June 24, 2024 6:16 PM

**To:** Ashley M. Gjovik (Legal Matters) <[legal@ashleymgjovik.com](mailto:legal@ashleymgjovik.com)>

**Cc:** Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>

**Subject:** RE: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

You are welcome. Also please forward us the case law you are referring to regarding the UCL claim.

Melinda Riechert

---

**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)>  
**Sent:** Monday, June 24, 2024 6:08 PM  
**To:** Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>  
**Cc:** Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>  
**Subject:** RE: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello,

Thank you for your thorough response & for agreeing to remove the contested terms.

1pm PST tomorrow sounds good. Thanks for setting it up.

-Ashley

—

Ashley M. Gjovik

BS, JD, PMP

On Monday, June 24th, 2024 at 8:47 PM, Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)> wrote:

Ashley

See below in red my comments on your email. I will set a zoom call for 1.00 pm Pacific. We do not think it is necessary to have a court reporter or to record or have witnesses on the calls between us.

I will still demand you remove the statements about me believing I am subject to GO71. I only said that because your firm was harassing and intimidating me, with no time for me to fact check your allegations, and in violation of federal labor laws. If you do not remove your statement about me believing, at any time, that I have to comply with GO71, as evidence of anything other than Apple and Orrick's illegal harassment of me - I will file a 2nd NLRB charge about the matter, refuse to sign a joint statement, and attach the first and second charges with my explanation to Judge Chen as to why I would not sign.

We will delete the reference to your believing you were subject to GO71.

I also want you to remove "forbidding" in quotation marks on page 7. You can say forbidding without quotation marks if you must -- but trying to spin my federal allegations against your client like that in a joint statement is highly inappropriate.

We are fine taking out the quote marks.

Tomorrow I want to discuss:

- What Apple wants to challenge with a 2nd Motion to Dismiss & whether there's even a legal basis to do so (waiver/etc); If there's anyway to get Apple to not file another Motion to Dismiss so this trial can move along and not be further delayed
  - o I already had Tameny, 6310, 98.6, 232, 232.5, and Nuisance. Then Judge Chen already approved the Ultrahazardous claim, IIED/Cancer claim, breach of GF/FD, and UCL with injunctive relief.
  - o The 1102.5 claim wasn't even really dismissed, Judge Chen just told me to add a list of claims. Similarly, Judge Chen already noted I made valid constitutional claims in my 96k responses and just needed to add them to the 4AC.
  - o That just leaves IIED/Outrageous and UCL with monetary relief. If Apple challenges the IIED claim, I will raise that Apple did not challenge IIED in my SAC and that with a large enough page limit, I did plead a claim, thus could do it again. For

7/10/24, 4:46 AM

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UCL, there's case law supporting the exact claim I made - transportation costs. I'm happy to share that case now if it would save us 2-3 months of unneeded motion practice.

This is not a topic for the M&C regarding the Rule 26(f) conference. We disagree with your assessment of Judge Chen's order regarding which claims he "approved" and which claims remain. He gave you leave to amend certain claims and we are still evaluating the most recent complaint you filed to determine which claims we may have a basis to move to dismiss.

What Apple's defenses/position is for all of the other claims beyond a wrongful termination. The position Apple states would only apply to a fraction of the claims, including only partial for the labor/retaliation claims where I allege retaliation started in the Spring of 2021.

The purpose of the conference is to see if we can find a way to streamline the case, rather than getting into a detailed discussion about all of Apple's defenses to all of your claims. We are still evaluating the most recent complaint you filed to determine Apple's defenses to those claims. They include that Apple did not engage in any of the wrongful conduct alleged in the complaint, and that it had legitimate reasons for doing what it did. Depending on how the evidence develops, it may have other defenses, including defenses relating to damages and mitigation of damages.

- What Apple's plan is to request the stay in discovery - because I will oppose it.

We can take this issue up with the Judge at the conference.

- Status of ADR selection. I am still waiting on a response from Orrick/Apple if Morgan Lewis will be part of a settlement conference, or if Orrick will be able to represent Morgan Lewis' cases. I have no intent of participating in a settlement conference if Apple actually has no intent in settling -- such as if Apple does

Typically the settlement conference only includes the parties and counsel in the case. But we are willing to discuss with our client whether it is willing to settle all disputes between the parties, including the NLRB claims being handled by Morgan Lewis.

- Discuss a plan for limited protective orders where actually applicable - or other accommodations that can satisfy the same concerns. For example, I assume my 17200 claim will include significant discovery of actually confidential/sensitive materials, and we should figure out the best way to proceed that protects

We have proposed the Northern District's template protective order. If you want to propose a different protective order, we will review it.

- Scheduling of discovery and the trial, assuming Apple's motion to stay and any motion to dismiss is denied. I will probably want to file a MSJ as well, so it would be good to map the schedule. If Apple's motions are granted, then the schedule can be adjusted. There's no reason to not plan a schedule now.

The Rule 26(f) conference is focused on a discovery plan rather than a trial date. We think it is premature to talk about a trial date at this time, when the pleadings are still in flux. But if the Judge wants to schedule a trial date at the conference, he will do so.

- Then I would like to spend a significant amount of the call discussing narrowing issues. There are several areas we need to address in this statement.
  - Apple has not provided any explanation for the retaliation that occurred prior to the termination on 9/9/21. I have parallel claims for constructive termination with hostile work env through late August 2021, and Apple has provided no position/defense for those claims.
  - Apple's position about the US EPA inspection on 8/19 and the US EPA findings/reports that echoed my concerns; the US EPA discovery about the HVAC; and the land use covenant requiring reporting to EPA of issues with the CERCLA engineering controls (like cracked slabs). I want to hear Apple's technical and legal analysis - so I can plan the case accordingly.
  - Apple's position about the retaliation in relation to what happened at 3250 Scott in 2020.
  - Apple's position on the US EPA findings of their inspections at 3250 Scott Blvd and how that relates to the toxic tort and retaliation claims.



7/10/24, 4:46 AM

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- Apple's position on the zoning and permitting status of 3250 Scott Blvd.
- Apple's legal arguments as to why the ear scans are confidential if it was already public information. (for the termination claims and also for 17200)
- Apple's legal arguments for why and in what ways Gobbler is confidential, and why the Gobbler manager was not fired for speaking about it. (for the termination claims and also for 17200)

As noted above, the purpose of the conference is to see if we can find a way to streamline the case, rather than getting into a detailed discussion about all of Apple's defenses to all of your claims, and Apple's legal arguments in response to each of the claims. We are still evaluating the most recent complaint you filed to determine Apple's defenses to those claims, but Apple's defenses include that Apple did not engage in any of the wrongful conduct alleged in the complaint, that it did not retaliate against you but had legitimate reasons for doing what it did, and that the information you disclosed was confidential. We are satisfied with the language we drafted in the Case Management Conference Statement, which is only intended to include a short statement of the facts as each side sees them.

I also want to note that I'm having trouble following the logic of Apple's position that 1) discovery must be stayed and Apple refuses to participate, but also, 2) GO71 discovery started six months ago and Apple is participating but Ashley is refusing to participate and Ashley needs to participate. We can argue about this at the conference and in motions, but I'd rather not waste the time if I can talk you out of this. The position is illogical but also impractical. If GO71 discovery was applicable (I confirmed with someone at the courthouse that it is not, in addition the CAND website making clear it is not applicable), and Apple wanted GO71 discovery open, but also wanted to stop any other discovery (bifurcating), yet at the same time the lawsuit has multiple claims related to the employment matters but which are not employment claims -- then where exactly is the divide of what is and is not in scope for the two different discovery efforts? Will they merge together later? Will they continue in parallel? Further Apple argues it wants to stay discovery as to not bifurcate discovery, but Apple is already trying to bifurcate discovery - so I guess the argument is avoiding trifurcating discovery. It makes no sense at all.

We complied with our GO71 obligations because we believe that they are applicable to this case and that we were legally required to do so. That does not mean that all discovery should proceed while the scope of the case is still in flux.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley

T 650/614-7423  
M 6507591929  
[mrieched@orrick.com](mailto:mrieched@orrick.com)

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**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)>  
**Sent:** Monday, June 24, 2024 2:28 PM  
**To:** Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>  
**Cc:** Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>  
**Subject:** RE: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello,

Let's talk tomorrow please.

I can talk between 10am-2pm PST (1-5pm EST). Let's schedule at hour.

Please let me know if we can have a court reporter, or if I can record it. It is short notice to try to arrange someone to be there with me, but I need a record and/or witness.

The revised version of the statement is better than the prior version. Thank you.

I will still demand you remove the statements about me believing I am subject to GO71. I only said that because your firm was harassing and intimidating me, with no time for me to fact check your allegations, and in violation of federal labor laws. If you do not remove your statement about me believing, at any time, that I have to comply with GO71, as evidence of anything other than Apple and Orrick's illegal harassment of me - I will file a 2nd NLRB charge about the matter, refuse to sign a joint statement, and attach the first and second charges with my explanation to Judge Chen as to why I would not sign.

I also want you to remove "forbidding" in quotation marks on page 7. You can say forbidding without quotation marks if you must -- but trying to spin my federal allegations against your client like that in a joint statement is highly inappropriate.

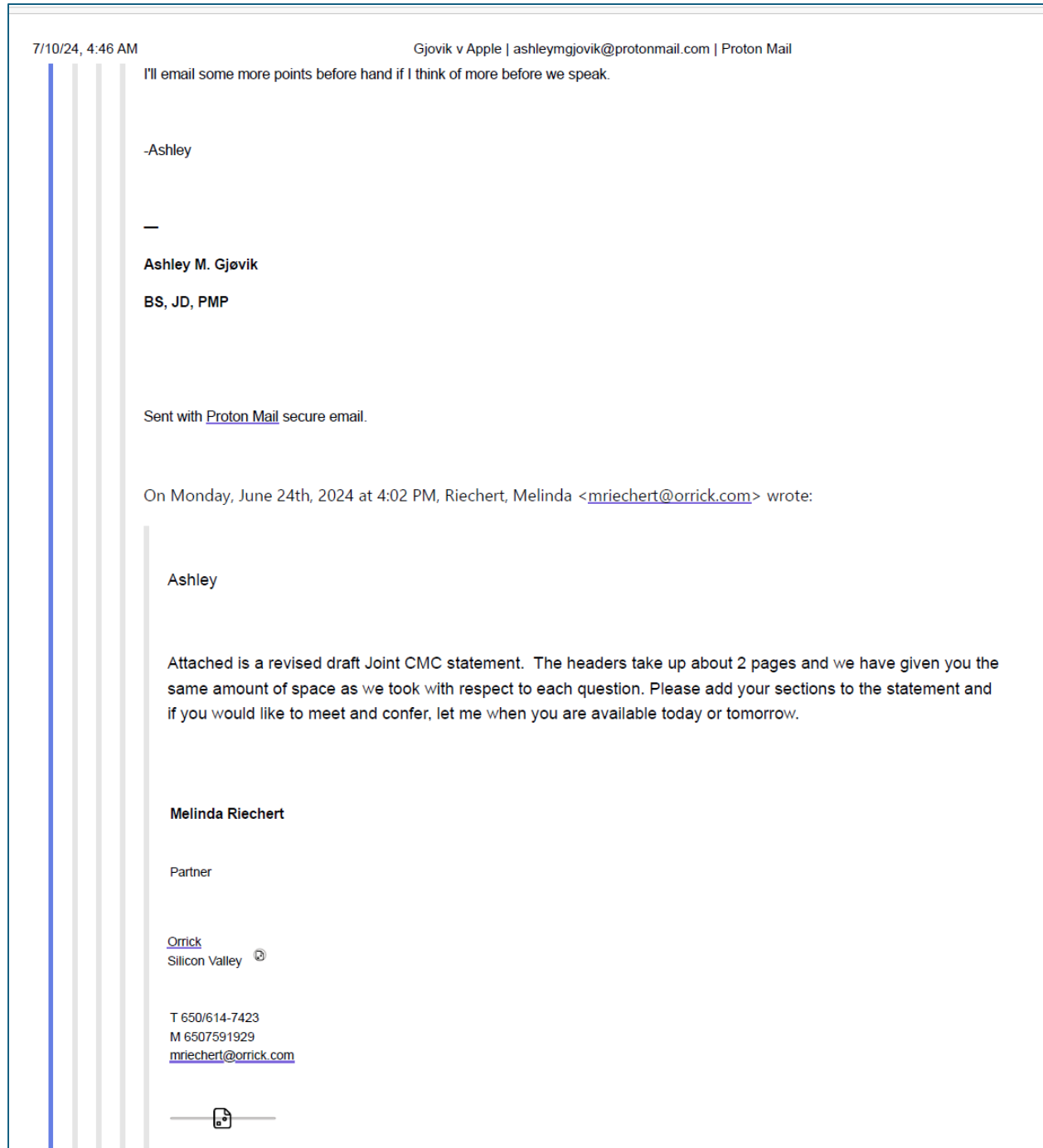
Tomorrow I want to discuss:

7/10/24, 4:46 AM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

- What Apple wants to challenge with a 2nd Motion to Dismiss & whether there's even a legal basis to do so (waiver/etc); If there's anyway to get Apple to not file another Motion to Dismiss so this trial can move along and not be further delayed
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  - o The 1102.5 claim wasn't even really dismissed, Judge Chen just told me to add a list of claims. Similarly, Judge Chen already noted I made valid constitutional claims in my 96k responses and just needed to add them to the 4AC.
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  - o Apple's position on the US EPA findings of their inspections at 3250 Scott Blvd and how that relates to the toxic tort and retaliation claims.
  - o Apple's position on the zoning and permitting status of 3250 Scott Blvd.
  - o Apple's legal arguments as to why the ear scans are confidential if it was already public information. (for the termination claims and also for 17200)
  - o Apple's legal arguments for why and in what ways Gobbler is confidential, and why the Gobbler manager was not fired for speaking about it. (for the termination claims and also for 17200)

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**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)>  
**Sent:** Thursday, June 20, 2024 1:40 PM  
**To:** Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>  
**Cc:** Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Romero, Josette L. <[jromero@orrick.com](mailto:jromero@orrick.com)>  
**Subject:** RE: Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello Apple's lawyers,

The 26(f) Meet/Confer is not optional. Please let me know what times/days would work for you to discuss the issues in this case.

Further, the Joint Statement is not Apple's opportunity to file an Answer. That opportunity is when Apple files an actual answer. The page limit for the joint statement is ten pages. Apple needs to reduce its content by half of what is currently included -- ideally the many paragraphs that are simply Apple's defense that belongs in Apple's answer instead, as well as the multiple paragraphs about cases/charges that are not this case.

What claims is Apple planning to challenge in its next MTD? Apple lost/waived its opportunity to challenge all but a few sub-claims, and it seems like an unnecessary and bad faith delay to add another three months onto this trial simply in order for Apple to try to re-challenge a few sub-claims. Heeding the Judge's guidance, I agreed to surrender my RICO, Bane, and Ralph claims in hope it would prevent Apple from filing another MTD and causing further delay. I urge Apple to reconsider its position, but if not, then to attempt to meet/confer on those topics prior to causing even more delays and work.

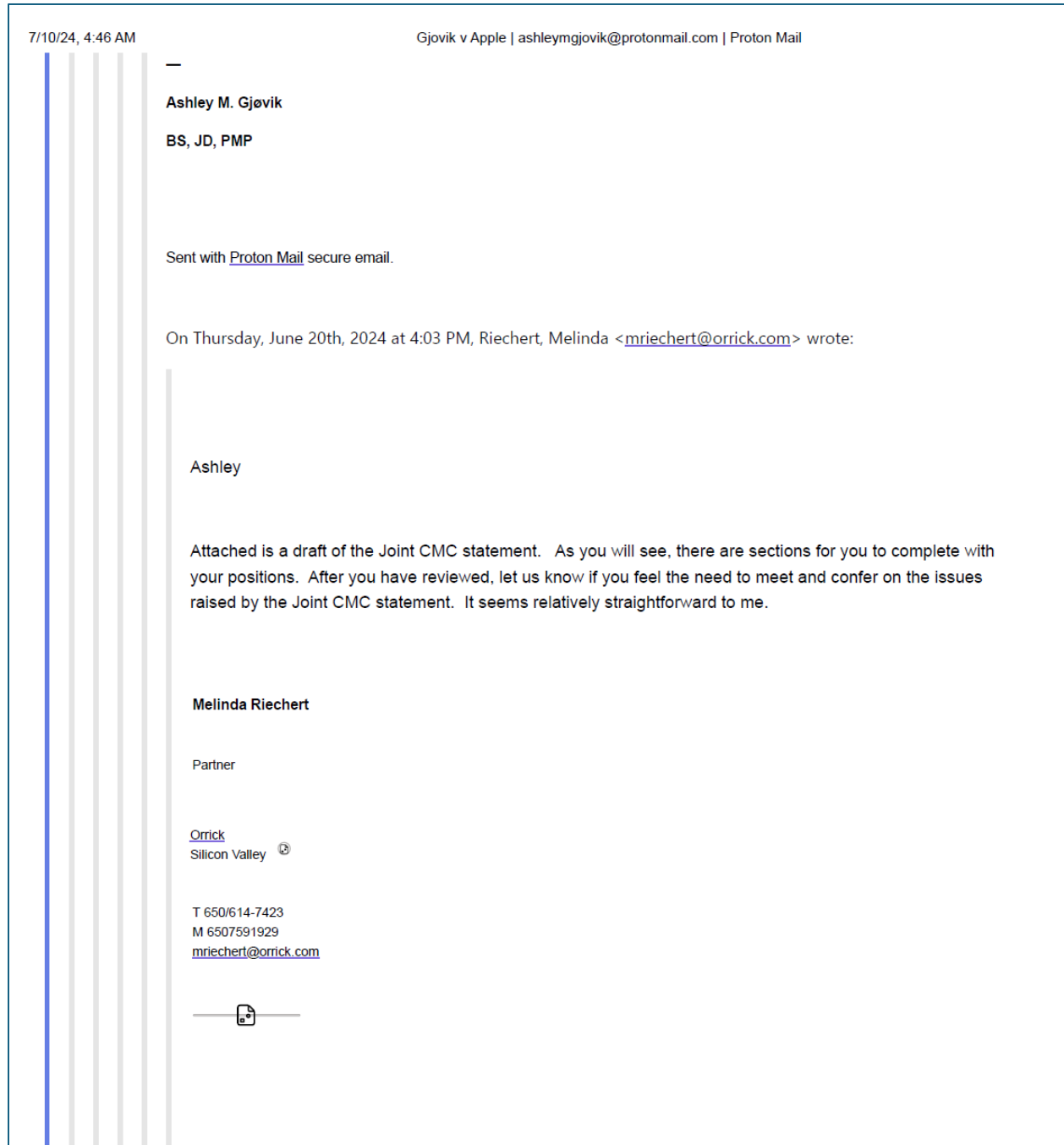
If Apple wants to narrow the issues, the proper opportunity to try to do that is first during the 26(f) Meet/Confer.

I will be objecting/opposing to all of Apple's requests to stay discovery, and I will also be objecting to Apple's continued insistence that GO71 is applicable. If Apple wants to argue that GO71 is applicable, and that I am refusing to comply with it, then Apple needs to file a separate motion about it. I will not debate Apple about GO17 in a 10 page case management statement. As I stated in December, if Apple actually believes GO17 applies and that I should participate in it, then Apple must file a motion about it to the Judge. Apple did not file that motion then. Either file it now, or remove the allegations from Apple's statement.

I also demand that Apple remove any/all characterizations of my statements and my positions from its sections. This statement is not Apple's opportunity to try to present my own position as something it's not, under the premise that somehow Apple's position that I'm wrong about whatever, but as Apple's position. Apple needs to detail its own position in this civil case before us in this court.

I look forward to setting discovery and trial timelines with you. If you want to file motions concurrently, that is your prerogative. However, I will insist we still set a schedule and plan to adhere to it unless your motions are actually approved.

-Ashley



---

**From:** Ashley M. Gjovik (Legal Matters) <[legal@ashleygjovik.com](mailto:legal@ashleygjovik.com)>

**Sent:** Thursday, June 20, 2024 2:43 AM

**To:** Booms, Ryan <[rbooms@orrick.com](mailto:rbooms@orrick.com)>; Juvinall, Kate <[kjuvinall@orrick.com](mailto:kjuvinall@orrick.com)>; Mantoan, Kathryn G. <[kmantoan@orrick.com](mailto:kmantoan@orrick.com)>; Perry, Jessica R. <[jperry@orrick.com](mailto:jperry@orrick.com)>; Riechert, Melinda <[mrieichert@orrick.com](mailto:mrieichert@orrick.com)>

**Subject:** Gjovik v Apple, 3:23-cv-04597-EMC, 26F Conference Meet & Confer

[EXTERNAL]

Hello Apple's lawyers,

Judge Chen scheduled our Initial Case Management Conference for July 16 2024. He also ordered a Joint Case Management Statement to be filed by July 9 2024. (Order at Docket #73 p.49, and Docket Entry #74).

Our 26(f) Meet/Confer is due 21 days prior to the Conference, so Tuesday June 25 2024. When would you like to meet? Monday or Tuesday next week are quite open for me, if that works for your schedule.

Is Apple willing to pay for a court reporter again, or shall I work to schedule a lawyer friend to join as a witness?



Thanks!

-Ashley

-----

References:

*"the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held"*

[https://www.law.cornell.edu/rules/frcp/rule\\_26](https://www.law.cornell.edu/rules/frcp/rule_26)

Docket #74:

CLERK'S NOTICE SETTING INITIAL CASE MANAGEMENT CONFERENCE.

Joint Case Management Statement due by 7/9/2024.

Initial Case Management Conference set for 7/16/2024, at 1:30 PM in San Francisco, - Videoconference Only.

This proceeding will be held via a Zoom webinar.

ALL PARTIES PARTICIPATING IN THE HEARING ARE REQUIRED TO LOG INTO ZOOM NO LATER THAN 1:20 PM.

Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/emcGeneral> Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.

Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (vla, COURT STAFF) (Filed on 5/20/2024)

Any non-CM/ECF Participants have been served by First Class Mail to the addresses of record listed on the Notice of Electronic Filing (NEF) (Entered: 05/20/2024)

Reminder of rules:

- Here is the CAND General Standing order for the Joint Case Mgmt Statement: [https://www.cand.uscourts.gov/wp-content/uploads/2023/03/Standing\\_Order\\_All\\_Judges-11-30-2023.pdf](https://www.cand.uscourts.gov/wp-content/uploads/2023/03/Standing_Order_All_Judges-11-30-2023.pdf)
- Here's the Local Rule for the Case Mgmt Conf (16-9, 16-10): <https://www.cand.uscourts.gov/rules/civil-local-rules/>
- Here's Judge Chen's standing order for the Case Mgmt Conf Meeting and Statement (#6): <https://www.cand.uscourts.gov/wp-content/uploads/judges/chen-emc/Standing-Order-Civil-General-REVISED-12-1-2022.pdf>
- Here's Judge Chen's Guidelines on calculating trial time: <https://www.cand.uscourts.gov/wp-content/uploads/judges/chen-emc/EMC-guideline-re-trial-time-calculation.pdf>

—

Ashley M. Gjøvik

BS, JD, PMP

## EXHIBIT E: EMAILS RE: NLRB & LAST HEARING

7/23/24, 4:19 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

### Re: Your latest NLRB charge

---

From legal@ashleymgjovik.com <legal@ashleymgjovik.com>  
To Riechert, Melinda <mrieichert@orrick.com>  
CC Mantoan, Kathryn G. <kmantoan@orrick.com>, Booms, Ryan <rbooms@orrick.com>, Perry, Jessica R. <jperry@orrick.com>, Juvinall, Kate <kjuvinall@orrick.com>, Riechert, Melinda <mrieichert@orrick.com>  
Date Monday, July 15th, 2024 at 6:25 PM

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Hello Apple's lawyers,

Respectfully, I think you're confused. Last year, the NLRB made clear that the NLRA pre-empts two party consent laws when the recording is PCA. It sounds like you may not understand the legal precedent, as the question is not if the subject of the recording is PCA (though I'd argue that meeting was PCA based on some of the things we discussed) -- but the question as to whether a recording is PCA or not, is a contextual question about if the act of recording itself is PCA. One example of recordings as PCA is workers recording a meeting or conversation with the employer (who you are an agent of) in order to gather and preserve evidence to be used in a NLRB proceeding and/or grievance, for example capturing evidence of unfair labor practices (violations of federal law) -- which is what occurred here.

The only audience for the recording I captured is the NLRB. (and maybe US DOL if they decide to follow US NLRB's ruling as well). The recording has not been shared with anyone else and I have no plan to share with anyone else other than NLRB (and maybe DOL). Even if its used as evidence in an agency trial, I believe you / Morgan Lewis will have an opportunity to lobby that it be sealed. I probably would not oppose your request.

The meeting was not solely about the civil lawsuit. The NLRB was mentioned three times, Dept of Labor was mentioned five times, labor and human rights were mentioned five times, protected speech under labor laws was mentioned eight times, protective orders were mentioned 15 times, and confidential was mentioned 45 times. That discussion also included a threat made to me that you might get the US Judge to issue the type of blanket protective order I've been protesting if I don't voluntarily agree to it prior - which is absolutely relevant to 01-CA-332897 and I have already alleged it was another ULP.

The Google case you cited is completely different in that the party published the recording publicly on social media. I have not published the recording to social media. Similarly, you cited two other cases where the recording was done "illegally," but here, as it is a recording for NLRB, its not illegal. Again, I have not shared the recording with anyone, especially on social media, and it is solely intended to be evidence for the NLRB (a federal agency). Because the only audience for the recording is NLRB, you are thus demanding I delete evidence to be used in an NLRB proceeding. I believe that's actually a federal crime?

You are also threatening me that you will try to manipulate the US Judge to force me to delete evidence and get him to assist you in interfering with the pending NLRB proceeding - which is probably a violation of both NLRA and federal criminal law, at the same time. You also cannot unilaterally inform me that I am / was not engaging in PCA under the NLRA, and I believe that statement is likely also another violation of federal law.

7/23/24, 4:19 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail

I will be amending charge 01-CA-345931 to add additional claims of violations of 8(a)(1) and 8(a)(4) based on the email you sent at 5:24 pm EST today. I've already forwarded your email to the NLRB investigator as well.

Here's some references to help you get up to speed on NLRA recording protection developments:

*NLRB hearing against Starbucks begins with judge OKing secret recording of company meeting*

<https://www.wbfo.org/business-economy/2022-07-12/nlr-b-hearing-against-starbucks-begins-with-judge-oking-secret-recording-of-company-meeting>

*NLRB Punches Holes in No-Recording Policies*

<https://labornotes.org/blogs/2023/02/nlr-b-punches-holes-no-recording-policies>

*Say What? NLRB Rules Employees May Tape Record Others in Violation of State Law.*

<https://www.laboremploymentreport.com/2023/03/10/say-what-nlr-b-rules-employees-may-tape-record-others-in-violation-of-state-law/>

*Employees Have Legally Protected Reasons to Record Workplace Activities*

<https://www.levyemploymentlaw.com/employees-have-legally-protected-reasons-to-record-workplace-activities/>

If you insist on raising this issue to Judge Chen tomorrow, I ask that you please file a motion with your request and give me an opportunity to respond in a meaningful way, including attaching exhibits of evidence to my response in order to support my position (ie, the NLRB charges, our emails, etc.). If you really believe that Judge Chen would force me to destroy legally obtained evidence for another proceeding, and fully understanding that's what he is doing - then you should not have any issue documenting your request in writing and filing it to the public docket.

-Ashley

—

Ashley M. Gjovik  
BS, JD, PMP

Sent with [Proton Mail](#) secure email.

On Monday, July 15th, 2024 at 5:18 PM, Riechert, Melinda <mriechert@orrick.com> wrote:

Ashley

I was shocked to read in your latest NLRB charge that you had recorded our meet and confer call. I did not give you permission to record the call, and you did not tell me you were recording the call. As you know, this is a violation of California Penal Code Section 632 which provides:

On Monday, July 15th, 2024 at 5:18 PM, Riechert, Melinda <mrieichert@orrick.com> wrote:

Ashley

I was shocked to read in your latest NLRB charge that you had recorded our meet and confer call. I did not give you permission to record the call, and you did not tell me you were recording the call. As you know, this is a violation of California Penal Code Section 632 which provides:

[https://mail.proton.me/u/1/Hs9bPzUW2XxHh3LsbsKy7efAgIY-YceqpOKCdLSEwl\\_rVUYeAPappPNRkRZUvfyCcdVomluuRDSybO-zZJ1IA==/98v2YMf...](https://mail.proton.me/u/1/Hs9bPzUW2XxHh3LsbsKy7efAgIY-YceqpOKCdLSEwl_rVUYeAPappPNRkRZUvfyCcdVomluuRDSybO-zZJ1IA==/98v2YMf...) 2/4

7/23/24, 4:19 PM

Gjovik v Apple | ashleymgjovik@protonmail.com | Proton Mail


, "anyone who, intentionally and without the consent of all parties to a confidential communication, uses an electronic amplifying or recording device to eavesdrop upon or record it, or to use a telegraph, telephone, or another device, will be punished by a fine up to \$2,500 per violation, or up to one year ...

We intend to bring this to the attention of Judge Chen at the upcoming Case Management Conference and request that Judge Chen order you to delete all recordings and cease any further recordings. *Stebbins v. Google LLC*, 2023 WL 6139454, at \*3 (N.D. Cal. Aug. 31, 2023) (pro se plaintiff who recorded the "parties' meet and confer prior to a Rule 26(f) scheduling conference" and posted it to YouTube was "ordered to immediately remove the recording from YouTube, delete copies of this or any recording Plaintiff has retained between Plaintiff and Defendant, and cease any future recording" and warned that "[f]ailure to comply with the Court's order may result in terminating sanctions with prejudice"); *Ewing v. Aliera Healthcare*, 2019 WL 3778746, at \*3 (S.D. Cal. Aug. 12, 2019) (ordering plaintiff to cease any recording of conversations between Plaintiff and defense counsel moving forward in this litigation); see also *Focally LLC v. Win Elements, LLC*, No. EDCV212105JGBKKX, 2022 WL 17078436, at \*9 (C.D. Cal. Nov. 2, 2022), *appeal dismissed sub nom. Yondr, Inc. v. Win Elements, LLC*, 2023 WL 2213184 (9th Cir. Jan. 10, 2023), and *vacated sub nom. Yondr, Inc. v. Win Elements LLC*, 2023 WL 9743749 (C.D. Cal. July 21, 2023) (pro se plaintiff who illegally recorded a meet and conference in violation of California Penal Code § 632 committed sanctionable misconduct).

You were not engaging in concerted protected activity under the National Labor Relations Act when we were having our meet and confer call in connection with your federal lawsuit against Apple. In any event the NLRB's interpretation of the NLRA doesn't trump an Article III judge's ability to regulate activity connected to a case pending in Federal Court.

**Melinda Riechert**

Partner

Orrick  
Silicon Valley 

T 650/614-7423  
M 650/591929  
[mrieichert@orrick.com](mailto:mrieichert@orrick.com)

FORM NLRB-601  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case	Date Filed
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## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Apple Inc		b. Tel. No. (408) 996-1010
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) One Apple Park Way  CA Cupertino 95014	e. Employer Representative  Tim Cook CEO	g. e-mail  tcook@apple.com
		h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) Technology	j. Identify principal product or service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1,4 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
Ashley Marie Gjovik

4a. Address (Street and number, city, state, and ZIP code)  MA Boston 02118	4b. Tel. No. [REDACTED]
	4c. Cell No.
	4d. Fax No.
	4e. e-mail ashleymgjovik@protonmail.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

Ashley Marie Gjovik

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Address Boston MA 02118

Date 07/10/2024 05:20:24 AM

Tel. No. [REDACTED]
Office, if any, Cell No.
Fax No.
e-mail ashleymgjovik@protonmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**Basis of the Charge****8(a)(1)**

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	07/07/2024
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	06/25/2024
Ashley Gjovik	Intimidation and Interference	06/20/2024
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	07/05/2024
Ashley Gjovik	False Allegations	07/05/2024
Ashley Gjovik	Harassment	06/20/2024
Ashley Gjovik	Threat of Interrogation	07/07/2024

**8(a)(1)**

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	07/07/2024
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	06/25/2024
Ashley Gjovik	Intimidation and Interference	06/20/2024
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	07/05/2024
Ashley Gjovik	False Allegations	07/05/2024
Ashley Gjovik	Threat of Interrogation	07/07/2024
Ashley Gjovik	Harassment	06/20/2024

**8(a)(4)**

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
Ashley Gjovik	Threats, Intimidation, Coercion,	07/07/2024



	Interference	
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	06/25/2024
Ashley Gjovik	Intimidation and Interference	06/20/2024
Ashley Gjovik	Threats, Intimidation, Coercion, Interference	07/05/2024
Ashley Gjovik	False Allegations	07/05/2024
Ashley Gjovik	Threat of Interrogation	07/07/2024
Ashley Gjovik	Harassment	06/20/2024

**8(a)(1)**

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

**8(a)(1)**

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from contacting and/or filing charges with the National Labor Relations Board.

**8(a)(1)**

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.

<b>Work Rule</b>
Claimed EH&S issues are confidential/trade secret
Claimed vapor intrusion test results are secret
Claimed EH&S at 825 Stewart is confidential
Claimed Gobbler is confidential
Claimed wanting to scan my ears is confidential
Claimed indoor air quality at 825Stewart is secret
Required conversations occur "without any witness"

**Additional Information in Support of Charge**

**Charging Party Name :** Ashley Marie Gjovik

**Inquiry Number :** 1-3506347791

**Date Submitted :** 07/10/2024 05:20:24 AM

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

**Additional Information Provided:**

On June 20 2024, Apple via their counsel as agents (Orrick), proposed a joint legal filing, to be filed by them and Charging Party (CP) to an official record, claiming that CP believes she is subject to the farcical discovery process they attempted to deceive her with in December 2023 and which is a main subject of NLRB Charge No. 01-CA-332897, which alleges their actions violated federal law. Counsel thus implies that CP filed and continues to participate in the NLRB inquiry into 01-CA-332897 in bad faith, and attempted to coerce her to admit such in a federal legal filing to a Judge.

On June 25 2024, Apple and CP held a meet/confer on Zoom. Apple's counsel requested there be no witnesses or court reporter, and CP agreed for the first time since August 2021. During the meeting Apple threatened CP regarding Protective Orders and retaliated against Complainant for requesting specific written protections about her right to share information related to public safety without any approval process. There were additional threats and intimidation.

On July 5 2024, Apple filed an Opposition to CP's Motion to Compel in the DOL OALJ environmental whistleblower case where they made numerous false allegations against her including about the Zoom meeting, and again attempted to claim she was subject to their fascial discovery process, was acting in bad faith, and was lying to a Judge. In this filing, Apple also implies that any evidence to support CP's concerns about environmental and safety issues at her office, and illegal surveillance & experiments, may be "confidential, proprietary, and/or trade secret" - implicitly asking for the Protective Order.

On July 7 2024, Apple lied again about the June 25 meeting, denying CP's version of events. (Note: CP recorded this call, expecting they would violate the NLRA again, and Apple did). Apple also now demands they will only meet/confer with CP if there are "no witnesses" or record, after lying about their prior meeting.

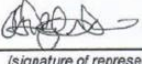
FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case	01-CA-332897	Date Filed	12/29/2023
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## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT			
a. Name of Employer Apple Inc		b. Tel. No. (408) 996-1010	
		c. Cell No.	
		f. Fax. No.	
d. Address (Street, city, state, and ZIP code) One Apple Park Way  CA Cupertino 95014		e. Employer Representative Tim Cook CEO	
		g. e-mail tcook@apple.com	
		h. Number of workers employed 100	
i. Type of Establishment (factory, mine, wholesaler, etc.) Technology		j. Identify principal product or service Computers	
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1,4 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  --See additional page--			
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Ashley Marie Gjovik			
4a. Address (Street and number, city, state, and ZIP code)  MA Boston 02118		4b. Tel. No. [REDACTED]	
		4c. Cell No. [REDACTED]	
		4d. Fax No.	
		4e. e-mail ashleymgjovik@protonmail.com	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. [REDACTED]	
 (signature of representative or person making charge)		Office, if any, Cell No. [REDACTED]	
		Fax No.	
Ashley Marie Gjovik (Print/type name and title or office, if any)		e-mail ashleymgjovik@protonmail.com	
Address Boston MA 02118		Date 12/29/2023 05:00:38 PM	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### Basis of the Charge

**8(a)(1)**

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

**8(a)(1)**

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

**8(a)(4)**

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.

**8(a)(1)**

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prohibit employees from discussing wages, hours, or other terms or conditions of employment.

**8(a)(1)**

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from contacting and/or filing charges with the National Labor Relations Board.

**8(a)(1)**

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.

Work Rule
Claiming Employee's performance reviews are secret
Claiming Employee's pay/benefits are a secret
Claiming Employer's handbook policies are secret
Claiming Employee discipline records are secret
Claiming Employees complaint to Employer is secret
Claiming Employer spying on Employees is secret
Claiming Employer 24/7 video of Employee is secret
Claiming Employee's safety complaints are secret
Claims Employees retaliation complaints are secret



**Additional Information in Support of Charge**

**Charging Party Name :** Ashley Marie Gjovik

**Inquiry Number :** 1-3413659041

**Date Submitted :** 12/29/2023 05:00:38 PM

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

**Additional Information Provided:**

The Employer (via their agent, hired legal counsel, "Orrick," representing Employer on Employee's retaliation legal claims against Employer) violated The Act (8-a-1 & 8-a-4) on November 16, December 18, December 19, and December 20 2023; as detailed.

On November 16 2023, the Employer made statements to the Employee directly, and publicly for other Employees to see, promulgating unlawful work rules that Employees have no right to speak publicly and on their personal time about work conditions or protesting unlawful conduct by the employer, and that Employer may terminate Employees for doing so.

On November 16 2023, the Employer threatened, intimidated, and coerced Employee by claiming Employer could legally terminate her employment due to her public speech about work conditions at the Employer.

On Dec 18 2023, the Employer, threatened, intimidated, disrupted, and coerced Employee by claiming compensation, benefits, performance reviews, discipline, and work policies are secret and that she must sign a legal agreement, enforceable by a Judge through Contempt of Court, promising not to tell anyone about Employer's records related to Employee in these T/C categories.

On Dec 19 2023, the Employer coerced and intimidated Employee by declaring a contract she signed was secret, that she could not have a copy of it, but that Employer claimed it fired her for violating the secret contract.

On Dec 19 2023, the Employer promulgated unlawful work rules that forbid employees from speaking about "informed consent form" agreements they enter into with the Employer, in order to perform unpaid labor for the Employer, while concurrently being subject to 24/7 surveillance.

On Dec 20 2023, the Employer coerced and intimidated Employee by claiming it does not recognize her labor complaints against Employer and it is proceeding as if she had not made those claims.

On Dec 18-Dec 20 2023, The Employer, threatened Employee in an attempt to coerce her into a unlawful secrecy agreement.

# EXHIBIT F: JUNE-JULY 2024 WIKIPEDIA VANDALISM ABOUT THIS LAWSUIT


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## Ashley Gjøvik

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From Wikipedia, the free encyclopedia

**This is an old revision** of this page, as edited by [24.96.148.35](#) ([talk](#)) at 07:48, 25 June 2024 (*Good news, you're both wrong. Bloomberg calls it a manufacturing facility, but clarifies manufacturing is not being done there and that the facility is too small for manufacturing. It was shut down in 2024 with Project Titan.*). The present address (URL) is a [permanent link](#) to this revision, which may differ significantly from the [current revision](#).

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**Ashley Gjøvik** (born 1985 or 1986) is an American [program manager](#) who is known for filing more than a dozen legal complaints against her former employer, [Apple Inc.](#) Notable complaints include a dismissed [whistleblower](#) complaint and two [meritorious](#) labor board charges about employee rules, which are pending prosecution. Gjøvik was terminated in 2021 by Apple for allegedly leaking confidential [intellectual property](#), which she denied. Gjøvik alleged her firing was retaliation for speaking out against the company about [sexism](#), employee privacy, and [vapor intrusion](#) at a [Sunnyvale, California](#) Apple office on a [Superfund](#) site, which the [United States Environmental Protection Agency](#) concluded was not occurring.

In 2023, Gjøvik filed a 650-page lawsuit against Apple alleging [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) violations, whistleblower retaliation, and environmental violations related to both the office where she worked in Sunnyvale, and a [R&D](#) facility near her home in Santa Clara.<sup>[a]</sup> The length created [case law](#) imposing page limits on pleadings. Much of the lawsuit was dismissed in May 2024; the federal whistleblower, Sunnyvale Superfund, and some of the RICO claims [with prejudice](#).

### Education and career

Gjøvik studied [ecology](#) at [Bennington College](#) in [Vermont](#) from 2004–2005 before returning to [Oregon](#), where she completed a Bachelor of Science in [Liberal Studies](#) from [Portland State University](#) (PSU) in 2012. She earned a [Project Management Professional](#) certification in 2013.<sup>[2][3]</sup> She obtained her [Doctor of Jurisprudence](#) in 2022 from [Santa Clara University](#) (SCU) law school.<sup>[4]</sup> Gjøvik also studied [transitional justice](#) at [University of Oxford](#).<sup>[5][1][6]</sup>

Gjøvik worked as a [project manager](#) for PSU from 2011–2013.<sup>[2]</sup> She then worked as a software [release manager](#) at [Nike, Inc.](#),<sup>[6]</sup> where she remained until she was hired at Apple in February 2015 as a project manager of [iOS](#) releases.<sup>[2][7]</sup> In 2016, she became an engineering program manager working out of their Sunnyvale office.<sup>[2][8][9][7]</sup> In 2019, she interned in Apple's Legal Department on the [AI ethics](#) team.<sup>[2][7]</sup> She spent several months on [paid leave](#) between 2020–2021.<sup>[10][7][11][6]</sup> She was terminated in September

Ashley Gjøvik



**Born** 1985 or 1986 (age 37–38)<sup>[1]</sup>  
**Education** [Portland State University](#) (BS)  
[Santa Clara University School of Law](#) (JD)  
**Occupation** [Program manager](#)  
**Employer** [Northeastern University](#)  
**Known for** [Legal complaints against Apple Inc.](#)

Date: June 25 2024

Source:

[https://en.wikipedia.org/w/index.php?title=Ashley\\_Gj%C3%B8vik&oldid=1230888491#Legal\\_complaints\\_and\\_litigation\\_against\\_Apple](https://en.wikipedia.org/w/index.php?title=Ashley_Gj%C3%B8vik&oldid=1230888491#Legal_complaints_and_litigation_against_Apple)

confidential, did not contain anything [proprietary](#) or secret, and that the photograph of her could not reasonably be argued to be copyrighted by Apple.<sup>[1]</sup>

**Legal complaints and litigation against Apple**

Gjovik filed numerous complaints with at least 11 agencies. She asked for reinstatement if the agencies find that Apple fired her unlawfully.<sup>[6]</sup> She filed a civil lawsuit with 15<sup>[6][a]</sup> causes of action in September 2023.<sup>[38][7]</sup>

List of complaints [\[hide\]](#)  
[\[hide\]](#)

Date	Claim	Venue		Status
2021-08	Vapor intrusion at Stewart 1 <sup>[1]</sup>	United States Environmental Protection Agency	✗	No vapor intrusion <sup>[23][24]</sup>
2021-08	Conflict of interest <sup>[8][7]</sup>	U.S. Securities and Exchange Commission	?	
2021-08	Retaliation and harassment <sup>[30]</sup>	National Labor Relations Board	?	Pending as of January 2023 <sup>[22]</sup>
2021-09	Termination as retaliation <sup>[30]</sup>	National Labor Relations Board	?	Pending as of January 2023 <sup>[22]</sup>
2021-09	Whistleblower retaliation (SOX) <sup>[8]</sup>	United States Department of Labor	✗	Dismissed <sup>[39][40]</sup> in lawsuit <sup>[38]</sup>
2021-09	Whistleblower retaliation (CERCLA) <sup>[8]</sup>	United States Department of Labor	?	Dismissed <sup>[39][40]</sup> appealed <sup>[40]</sup>
2021-09	Retaliation for safety activities <sup>[30]</sup>	Cal OSHA <sup>[41]</sup>	✗	Closed; in lawsuit <sup>[7]</sup>
2021-09	Whistleblower retaliation <sup>[30]</sup>	California Division of Labor Standard Enforcement	✗	Closed; in lawsuit <sup>[38]</sup>
2021-09	Discrimination and harassment <sup>[42]</sup>	Equal Employment Opportunity Commission	✗	No inquiry; <sup>[9]</sup> right to sue <sup>[45]</sup>
2021-09	Discrimination and harassment <sup>[42]</sup>	California Civil Rights Department (Formerly DFEH)	✗	No inquiry; <sup>[9]</sup> right to sue <sup>[45]</sup>
2021-09	Witness intimidation <sup>[7][41]</sup>	United States Department of Justice <sup>[46]</sup>	?	
2021-10	Illegal employer work rules <sup>[47]</sup>	National Labor Relations Board	?	Merit; pending prosecution <sup>[48]</sup>
2021-10	Illegal employer communication <sup>[49]</sup>	National Labor Relations Board	?	Merit; pending prosecution <sup>[50]</sup>
2022-04	Invasion of employee privacy <sup>[51]</sup>	UK Information Commissioner's Office	?	Assessing as of April 2022 <sup>[51]</sup>
2022-04	Invasion of employee privacy <sup>[51]</sup>	Brussels European Commissioner	?	
2022-04	Invasion of employee privacy <sup>[51]</sup>	Ireland Data Protection Commissioner	?	
2023-09	Fraud, bribery, extortion (RICO) <sup>[38]</sup>	US District Court for the ND of California	✗	Dismissed <sup>[9]</sup>
2023-09	Whistleblower retaliation (SOX) <sup>[8]</sup>	US District Court for the ND of California	✗	Dismissed with prejudice <sup>[7]</sup>
2023-09	Whistleblower retaliation (Dodd–Frank) <sup>[8]</sup>	US District Court for the ND of California	✗	Dismissed with prejudice <sup>[7]</sup>
2023-09	Whistleblower retaliation <sup>[30]</sup>	US District Court for the ND of California	✗	Dismissed <sup>[7]</sup>
2023-09	Hazardous waste at Stewart 1 <sup>[7]</sup>	US District Court for the ND of California	✗	Dismissed with prejudice <sup>[7]</sup>
2023-09	Discrimination and harassment <sup>[42]</sup> (Bane)	US District Court for the ND of California	✗	Dismissed <sup>[7]</sup>
2023-09	Discrimination and harassment <sup>[42]</sup> (Ralph)	US District Court for the ND of California	✗	Dismissed <sup>[7]</sup>
2023-09	Retaliation for safety activities <sup>[7]</sup>	US District Court for the ND of California	?	
2023-09	Wrongful dismissal <sup>[7]</sup>	US District Court for the ND of California	?	

**Labor board complaints**  
See also: [Apple and unions](#)

Date: June 25 2024

Source:

[https://en.wikipedia.org/w/index.php?title=Ashley\\_Gj%C3%B8vik&oldid=1230888491#Legal\\_complaints\\_and\\_litigation\\_against\\_Apple](https://en.wikipedia.org/w/index.php?title=Ashley_Gj%C3%B8vik&oldid=1230888491#Legal_complaints_and_litigation_against_Apple)




### RICO lawsuit

On September 7, 2023, Gjøvik filed a lawsuit against Apple under the [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) and whistleblower retaliation under SOX and [Dodd–Frank Wall Street Reform and Consumer Protection Act](#). The lawsuit alleged a wide variety of violations, including [wire fraud](#), [mail fraud](#), and [securities fraud](#), as well as state level [bribery](#) and [extortion](#).<sup>[38]</sup> Her third pleading in the case was dismissed with leave to amend by the court in January 2024 under [Federal Civil Rule 8\(a\)](#) because it was more than 650 pages long and lacked clarity and readability; the ruling created [case law](#) imposing a 75-page limit on pleadings.<sup>[60]</sup> In May 2024, 13 of the lawsuit's 15 claims were dismissed wholly or partially under [Federal Civil Rule 12\(b\)\(6\)](#). The whistleblower retaliation claims under SOX and Dodd–Frank, parts of the RICO claims, and claims relating to the Stewart 1 office were dismissed [with prejudice](#). The other claims, including the claim related to the DSLE whistleblower complaint, were dismissed with leave to amend. The remaining two claims, retaliation for safety activities and [termination in violation of public policy](#), and the partial claims, relating to Apple's facility in Santa Clara near her apartment,<sup>[a]</sup> were not challenged under 12(b)(6).<sup>[7]</sup>

Date: June 25 2024

Source:




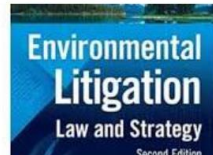
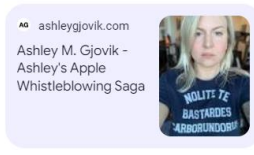
[https://en.wikipedia.org/w/index.php?title=Ashley\\_Gj%C3%B8vik&oldid=1230888491#Legal\\_complaints\\_and\\_litigation\\_against\\_Apple](https://en.wikipedia.org/w/index.php?title=Ashley_Gj%C3%B8vik&oldid=1230888491#Legal_complaints_and_litigation_against_Apple)






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## Ashley M. Gjøvik

Manager







Wikipedia  
[https://en.wikipedia.org/wiki/Ashley\\_Gjøvik](https://en.wikipedia.org/wiki/Ashley_Gjøvik)

### Ashley Gjøvik



Ashley Gjøvik (born 1985 or 1986) is an American program manager who is known for filing more than a dozen legal complaints against her former employer, ...



ashleygjovik.com  
<https://www.ashleygjovik.com>

### Ashley M. Gjøvik - Ashley's Apple Whistleblowing Saga

Read the Order scheduling a hearing here: [Ashley Gjøvik v Apple Inc, 2024-CER-00001](#), Boston, Massachusetts District Office.

### About

[ashleygjovik.com](#)

Ashley Gjøvik is an American program manager who is known for filing more than a dozen legal complaints against her former employer, Apple Inc. [Notable complaints include a dismissed whistleblower complaint](#) and two meritorious labor board charges about employee rules, which are pending prosecution. Wikipedia

Feedback

Profiles

## Ashley Gjøvik: Difference between revisions

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Revision as of 08:21, 25 June 2024 ([view source](#))2600:8801:2994:4900:2152:83c8:74de:959d ([talk](#))*(ALL of this is WP:UNDUE for the lead. The sources are 2 appleinsider articles and a primary caselaw source.)**(Tags: Reverted, Visual edit)*[← Previous edit](#)Revision as of 08:29, 25 June 2024 ([view source](#)) ([talk](#))*(Plain vandalism; the sources aren't even in the lede and the edit summary is a lie. Undid revision 1230891925 by**2600:8801:2994:4900:2152:83C8:74DE:959D ([talk](#)))**(Tags: Undo, possible BLP issue or vandalism, possible unreferenced addition to BLP)*[Next edit →](#)

Line 19:

Line 49:

'''Ashley Gjøvik''' (born 1985 or 1986) is an American [[program manager]] who is known for filing more than a dozen legal complaints against her former employer, [[Apple Inc.|Apple Inc]]. Notable complaints include a dismissed [[whistleblowing|whistleblower]] complaint and two [[Merit (law)|meritorious]] labor board charges about employee rules, which are pending prosecution. Gjøvik was terminated in 2021 by Apple for allegedly leaking confidential [[intellectual property]], which she denied. Gjøvik alleged her firing was retaliation for speaking out against the company about [[Sexism in the technology industry|sexism]], employee privacy, and [[vapor intrusion]] at a [[Sunnyvale, California]] Apple office on a [[Superfund]] site, which the [[United States Environmental Protection Agency]] concluded was not occurring.

'''Ashley Gjøvik''' (born 1985 or 1986) is an American [[program manager]] who is known for filing more than a dozen legal complaints against her former employer, [[Apple Inc.|Apple Inc]]. Notable complaints include a dismissed [[whistleblowing|whistleblower]] complaint and two [[Merit (law)|meritorious]] labor board charges about employee rules, which are pending prosecution. Gjøvik was terminated in 2021 by Apple for allegedly leaking confidential [[intellectual property]], which she denied. Gjøvik alleged her firing was retaliation for speaking out against the company about [[Sexism in the technology industry|sexism]], employee privacy, and [[vapor intrusion]] at a [[Sunnyvale, California]] Apple office on a [[Superfund]] site, which the [[United States Environmental Protection Agency]] concluded was not occurring.

== Education and career ==

== Education and career ==

+

In 2023, Gjøvik filed a 650-page lawsuit against Apple alleging [[Racketeer Influenced and Corrupt Organizations Act]] (RICO) violations, whistleblower retaliation, and environmental violations related to both the office where she worked in Sunnyvale, and a manufacturing [[research and development|R&D]] facility near her home in Santa Clara.{{efn|name=aria2}} The length created [[case law]] imposing page limits on pleadings. Much of the lawsuit was dismissed in May 2024; the federal whistleblower, Sunnyvale Superfund, and some of the RICO claims [[Prejudice (legal term)#Civil law|with prejudice]].

Date: June 25 2024

Source:

[https://en.wikipedia.org/w/index.php?title=Ashley Gj%C3%B8vik&diff=1230892779&oldid=1230891925](https://en.wikipedia.org/w/index.php?title=Ashley_Gj%C3%B8vik&diff=1230892779&oldid=1230891925)

## Manufacturing vs R&D [[edit](#)]

Some IP editors are aggressively removing any reference that the facility code-named Aria is a "manufacturing" facility. It makes stuff for research purposes, not large quantities for production, and this is [confirmed by Bloomberg](#) here: "designing and producing its own device displays for the first time, using a secret *manufacturing* facility near its California headquarters"

I changed my edit from R&D manufacturing to "manufacturing R&D" because the primary purpose of the facility appears to be R&D, but they have to manufacture on a small scale in order to DO that R&D, and the construction of the facility is tailored for that manufacturing operation. It isn't a cozy "lab" where people just sit at their desks all day! I don't know what that's called, but "R&D to make stuff, by also making small quantities of stuff to test making stuff" sounds like "manufacturing R&D" to me [[talk](#)]  
07:33, 25 June 2024 (UTC) [[reply](#)]

From the same article: "the Santa Clara facility is capable of manufacturing a handful of fully operational Apple Watch-sized (under 2 inches diagonally) MicroLED screens at a time" & "The California facility is too small for mass-production"

I don't think it's appropriate for the lead. [66.146.183.70](#) ([talk](#)) 08:12, 25 June 2024 (UTC) [[reply](#)]

Care to describe how you're yet ANOTHER IP address that has jumped into this article as their very very first edit?? In fact, there haven't been any [edits from your entire /20 CIDR block](#) in 6 months! What other IP addresses have you been using to constantly edit and violate WP revert rules on this article? [[talk](#)] 08:28, 25 June 2024 (UTC) [[reply](#)]

## Sockpuppet IPs "contributing" to this article [[edit](#)]

[This edit](#) was posted on my talk page relating to this article *from an IPv6 address that has never contributed to this article (nor its parent /64)*. It is unclear what this indicates, but someone is definitely using multiple IP addresses at the same time while editing this article. [[talk](#)] 07:36, 25 June 2024 (UTC) [[reply](#)]

## BLPN [[edit](#)]

Due to this BLPN discussion, [\[2\]](#) I intend to clean up this article, mostly by removing the massive reliance of prohibited assertions based on [WP:BLPPRIMARY](#) citations. This article should be based on what secondary reliable sources have discussed about her. And no...[\[3\]](#) a court reporter (re)publishing an opinion as is does not make the opinion a secondary source for the purposes of BLPPRIMARY. [Morbidthoughts](#) ([talk](#)) 19:36, 25 June 2024 (UTC) [[reply](#)]

Dates: June 25 2024

Source:

[https://en.wikipedia.org/w/index.php?title=Talk:Ashley Gj%C3%B8vik&oldid=1233234698](https://en.wikipedia.org/w/index.php?title=Talk:Ashley_Gj%C3%B8vik&oldid=1233234698)

**Ashley Gjøvik**

- [Ashley Gjøvik](#) ([edit](#) | [talk](#) | [history](#) | [links](#) | [watch](#) | [logs](#))

**Reason:** Edit warring, mostly IP editors, viral twitter thread, subject of article recruiting editors, etc

[2600:8801:2994:4900:2152:83C8:74DE:959D](#) ([talk](#)) 08:22, 25 June 2024 (UTC) [[reply](#)]

Hilarious. One of dozens of sockpuppet IPs with this article as their very first edit whining about edits on this article [\[redacted\]](#) ([talk](#)) 08:29, 25 June 2024 (UTC) [[reply](#)]

Why do you keep editing, Mr. 2600:8801:2994:4900:2152:83C8:74DE:959D (what a fine account name!), from an IP, then?

Especially from a new and different IP on a new and different network run by a new and different ISP with every edit! (which is precisely not how I'm editing, all of my edits to that article are from the same IP, and every edit I've made to WP in the past 20 months or so is from the same [CIDR /21 block](#)) [76.6.213.65](#) ([talk](#)) 09:39, 25 June 2024 (UTC) [[reply](#)]

+ **Semi-protected** for a period of **6 months**, after which the page will be automatically unprotected [\[redacted\]](#) ([k](#)) 10:24, 25 June 2024 (UTC) [[reply](#)]

Source:

[https://en.wikipedia.org/wiki/Wikipedia:Requests\\_for\\_page\\_protection/Archive/2024/06#Ashley\\_Gjøvik](https://en.wikipedia.org/wiki/Wikipedia:Requests_for_page_protection/Archive/2024/06#Ashley_Gjøvik)

**Please stop hounding and misusing talk pages** ([edit](#))

**WP:HOUNDING** is a form of harassment and following IP users you believe to have a shared purpose or to be one person or not to cast **WP:ASPERSIONS** is harassment with personal attacks. Please read **WP:IPHUMAN** and reconsider your conduct. It's not constructive. Thank you! If you wish to edit an article, then do so and talk about the content on the talk pages. It's not a forum for your musings about IP editors. [2600:8801:3983:E800:E443:7D09:DFB4:DCD8](#) ([talk](#)) 05:48, 25 June 2024 (UTC) [[reply](#)]

IP editors are human too, yes. I'm an IP editor too and I'm not in fact a bot! But it's easier to talk to us as human beings when we don't use a new IP address from a new provider and presumably through some new proxy, for every edit. Is there a reason you're doing that?? [\[redacted\]](#) ([k](#)) 10:06, 25 June 2024 (UTC) [[reply](#)]

thank you for taking the time to instruct regarding what you feel to be correct editing.

in this particular instance, you're incorrect, but i appreciate the strident and baffling attempt at article ownership, as the campaign to create a preferred version of this article was instructive.

I'll go back and check the multiple tendentious edits, and see where your specific ip range fit into the mess.

thanks again for the gentle correction [\[redacted\]](#) ([th](#)) ([talk](#)) 14:33, 25 June 2024 (UTC) [[reply](#)]

**IP hopper on that Gjøvik article** ([edit](#))

I've reported the IP hopper [here](#), in case you didn't see my reply to you on one of the umpteen hopped-IP pages.

signed, a non-hopping IP editor [\[redacted\]](#) ([alk](#)) 10:08, 25 June 2024 (UTC) [[reply](#)]

Source:

[https://en.wikipedia.org/w/index.php?title=User\\_talk:\[redacted\]&oldid=1230903026](https://en.wikipedia.org/w/index.php?title=User_talk:[redacted]&oldid=1230903026)

Single-edit IPs vandalizing [Ashley Gjøvik](#) page [ edit ]

Either someone must have put out the bat signal on one of the Apple fanboy sites, or someone is using a ton of proxies to edit, because this page is getting an enormous amount of attention from people trying to cast this person in the worst possible light and Apple in the best, mostly by selectively removing information and revert-warring any attempts to clarify the situation.

All of these IP addresses make 1 or 2 edits, then move on, and it isn't just CGNAT or some such because they are all over different carriers. In most cases there are very few/none at all recent edits from a considerable IP block around that IP (I'm using /20 for IPv4 and /48 for IPv6):

[208.114.45.83](#) ([talk](#) · [contribs](#) · [deleted contribs](#) · [filter log](#) · [WHOIS](#) · [RDNS](#) · [RBLs](#) · [http](#) · [block user](#) · [block log](#)) [This edit](#) in which they claim what "the sources say" without actually having read them, as later edits elucidate. No edits in 3 months [from the entire /20](#) either.

[2600:8801:2994:4900:2152:83C8:74DE:959D](#) ([talk](#) · [contribs](#) · [/64](#) · [deleted contribs](#) · [filter log](#) · [WHOIS](#) · [RBLs](#) · [http](#) · [block user](#) · [block log](#)) [This blanking edit](#), just pure vandalism with a false edit summary (the sources aren't in the lede, and none of the sources relevant to *that particular edit* were from AppleInsider, which suggests maybe I hit the nail on the head on the talk page in indicating some of the spam traffic is coming from a fanboy site like that). No edits in 2 YEARS [from the parent /48](#).

[2600:8801:1201:7200:F591:D785:87AF:8613](#) ([talk](#) · [contribs](#) · [/64](#) · [deleted contribs](#) · [filter log](#) · [WHOIS](#) · [RBLs](#) · [http](#) · [block user](#) · [block log](#)) [This "warning"](#) added to my talk page by an IP that has never, ever made an edit before. Only 5 edits [from the entire /48](#) in the past 2 YEARS.

[66.146.183.70](#) ([talk](#) · [contribs](#) · [deleted contribs](#) · [filter log](#) · [WHOIS](#) · [RDNS](#) · [RBLs](#) · [http](#) · [block user](#) · [block log](#)) [This reply](#) on the article's talk page as if they were already involved in this article, yet [the entire /20 shows no edits](#) at all in the past 6 MONTHS.

I could go on but I think what's going on is obvious: either a mob being told to edit (and not by friends of Ms. Gjøvik, either), or someone very aggressively editing using proxies and throwaway IP addresses to evade [WP:3R](#) [\(talk\)](#) 09:03, 25 June 2024 (UTC) [ reply ]

(Yes, I know the obvious solution here is to semi-protect the page, and I'm okay with that. I'll create an account... eventually, lol. Just please revert any further of these low-effort edits from single-edit IPs before you do this, as the page is actually in a pretty good state right now after some back-and-forth.) [\(k\)](#) 09:12, 25 June 2024 (UTC) [ reply ]

Okay, I'm now more convinced this is intentional abuse (or else in the very unlikely event it's not, it has to be someone with some kind of mental illness; dissociative identity?). They posted [on another editor's talk page, here](#) acting like that editor was "casting aspersions" for making claims of this IP-hopper "to be one person or not".

They seem to specifically be claiming the beyond-implausible possibility that each of these new IPs could be a different person making an all-new edit to this one **specific** article, despite **none** of the IPs involved in this hopping pattern having **ever** made a single edit to WP before. This is obviously either one person intentionally hopping proxies, or a mob of editors coordinating offsite, but now I can discount the possibility that they somehow do not know that their connection is being routed to multiple IPs across different ISPs. [\(k\)](#) 10:16, 25 June 2024 (UTC) [ reply ]

I was kind of between the devil and the deep blue sea here, as you valiantly undid all the edits...but in the end I have semi-protected after all. The page sees spurts of dsruption, and had been proteted for a year already. Time to create an account, 76.6. [\(k\)](#) 10:22, 25 June 2024 (UTC) [ reply ]

Thank you. [\(k\)](#) 11:08, 25 June 2024 (UTC) [ reply ]

Source:

[https://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27\\_noticeboard/Incidents&oldid=1230909597#Single-edit\\_IPs\\_vandalizing\\_Ashley\\_Gj%C3%B8vik\\_page](https://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27_noticeboard/Incidents&oldid=1230909597#Single-edit_IPs_vandalizing_Ashley_Gj%C3%B8vik_page)



I was kind of between the devil and the deep blue sea here, as you valiantly undid all the edits...but in the end I have semi-protected after all. The page sees spurts of dsirruption, and had been proteted for a year already. Time to create an account, 76.6. [redacted] (talk) 10:22, 25 June 2024 (UTC) [reply]

Thank you. [redacted] (talk) 11:08, 25 June 2024 (UTC) [reply]

As one of the editors involved yesterday with editing this article, there was no vandalism occurring. And while I did come from a link to the article in a particular forum, no one was encouraged to edit it at all or in any particular way. I disagree with the characterization of the edits as none of them look like vandalism, but minor content disputes.

They reported the person who requested page protections and reported them for "vandalism with a false edit summary"—but the sources about "Aria" and her RICO lawsuit are primary sources and the two AppleInsider articles (<https://appleinsider.com/articles/24/06/24/whistleblower-claims-to-have-nearly-died-because-of-illegal-chemical-exposure-from-apple>) (<https://appleinsider.com/articles/23/09/09/ex-apple-employee-files-rico-lawsuit-over-whistleblower-retaliation>).

BasketOfDucklings (talk) 13:56, 25 June 2024 (UTC) [reply]

I'm quite curious @BasketOfDucklings: were you or do you think other editors of Ashley's article were aware of our policies on [neutral point of view](#) and [edit warring](#) and how your edits might have violated them, and if yes, do you think you or the other editors intentionally made those edits anyway? Regards, [redacted] (Contact me | Contributions). 22:12, 26 June 2024 (UTC) [reply]

I did not override any edits so I don't think I was edit warring. Someone else said my edits made the article overly congratulatory using her resume, but it was already in the article. I don't even know which rules I violated or how adding biography information made it not neutral. BasketOfDucklings (talk) 04:49, 27 June 2024 (UTC) [reply]

How cute, this Basket Of Ducklings account appears to be brand new. Hmmm [redacted] (talk) 06:58, 26 June 2024 (UTC) [reply]

And the IP-hopper is back, this time editing pages where disputes relating to the Gjøvik article are being mediated, [here](#). Again no edits in over 6 months from the entire /20.

I would suggest this might be a previous abuser evading a ban, maybe [this one](#) [redacted] (talk) 07:10, 26 June 2024 (UTC) [reply]

#### Source:

[https://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27\\_noticeboard/Incidents&oldid=1232289448#Single-edit\\_IPs\\_vandalizing\\_Ashley\\_Gj%C3%B8vik\\_page](https://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27_noticeboard/Incidents&oldid=1232289448#Single-edit_IPs_vandalizing_Ashley_Gj%C3%B8vik_page)

